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MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON MIGRATORY LABOR

OF THE

COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE

NINETY-FIRST CONGRESS

FIRST AND SECOND SESSIONS

ON

FARMWORKER LEGAL PROBLEMS

AUGUST 7, 1969

PART 4–A

Printed for the use of the Committee on Labor and Public Welfare

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FORMAT OF HEARINGS ON MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

The Subcommittee on Migratory Labor conducted public hearings in Washington, D.C., during the 91st Congress on "Migrant and Seasonal Farmworker Powerlessness." These hearings are contained in the following parts:

Subject matter	*Hearing dates*
Part 1: Who are the Migrants?	June 9 and 10, 1969
Part 2: The Migrant Subculture	July 28, 1969
Part 3–A: Efforts to Organize	July 15, 1969
Part 3–B: Efforts to Organize	July 16 and 17, 1969
Part 4–A: Farmworker Legal Problems	Aug. 7, 1969
Part 4–B: Farmworker Legal Problems	Aug. 8, 1969
Part 5: Border Commuter Labor Problem	May 21 and 22, 1969
Part 6; Pesticides and the Farmworker	Aug. 1, Sept. 29 and 30, 1969
Part 7: Manpower and Economic Problems	Apr. 14 and 15, 1970
Part 8: Who is Responsible?	July 20, 21, and 24, 1970

Additional hearings are tentatively scheduled by the subcommittee during the second session, 91st Congress.

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MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

(FARMWORKER LEGAL PROBLEMS)

THURSDAY, AUGUST 7, 1969

U.S. Senate,
Subcommittee on Migratory Labor
of the Committee on Labor and Public Welfare,
Washington, D.C.

The subcommittee met at 9:30 a.m., pursuant to call, in room 4232 New Senate Office Building, Senator Walter F. Mondale (chairman of the subcommittee) presiding.

Present: Senator Mondale (presiding).

Committee staff members present: Boren Chertkov, counsel to the subcommittee; Sidney Johnson, professional staff member; and Eugene Mittelman, minority counsel.

Senator Mondale. The subcommittee will come to order.

This morning we begin the sixth in a series of hearings on migrant and seasonal farmworker problems. The underlying theme of our hearings is powerlessness.

In past hearings we have endeavored to obtain a broad introduction to various problem areas by hearing farmworkers themselves tell of their own lives, their own problems. We have heard testimony from both community and union organizers on the obstacles to their self-help efforts to improve their own situation. We have explored what really happens to the men, women, and children that are confronted with the severe economic and social stress of migratory farmwork.

We have also heard testimony on the border commuter labor problem and the severe economic depression created by the surplus of desperately poor people forced to accept substandard living and working conditions along our borders with Mexico. Last week the subcommittee turned its attention to a discussion of the effects of pesticides on farmworkers.

This morning we begin hearings designed to examine the legal problems and barriers faced by migrant and seasonal farmworkers. Attorneys with an intimate knowledge of the practice of law in rural areas will be called on to discuss the legal problems farmworkers confront, and the legal services that are available to migrant and seasonal farmworkers.

The subcommittee's investigation will extend to legal problems that may be encountered in the coverage of farmworkers under social and worker benefit programs, in the administration of justice in rural areas, and in the exercise of civil rights. Also, specific legal problems such as enforcement of local, State, and Federal laws and codes, access to farm labor camps, allegations of peonage, use of pesticides, residence requirements as barriers to voting and participation in the political process, and licensing and inspection programs will be explored.

Additionally, possible roles of the attorney in helping to overcome migrant and seasonal farmworker powerlessness will be studied, with emphasis on the need, if any, for supportive assistance through legal service programs that aid the powerless in their relationships with various elements of the rural community.

After the Senate recess scheduled for August, we intend to conduct an extensive economic analysis of the entire migrant labor problem, including an effort to explore the nature and scope of the rural employment and manpower problem, the reasons for the political impotence that too often prevails in farmworker communities, the limitations of current Government service programs and social and worker benefit programs, and finally, what is the future of migrant and seasonal farmworkers.

Today we continue this series of hearings on powerlessness with a discussion of the legal problems of farmworkers by several expert witnesses.

Mr. Gary Bellow, attorney at law, associated with the Western Center on Law and Poverty of the University of Southern California Law Center, was unable to be here this morning because of illness, but he has submitted a prepared statement intended to provide an overview of the types of legal problems faced by farmworkers, and I will submit it for the record at this time.

(The prepared statement of Mr. Bellow follows:)

PREPARED STATEMENT OF GARY BELLOW, UNIVERSITY OF SOUTHERN CALIFORNIA LAW CENTER, UNIVERSITY PARK, LOS ANGELES, CALIF.

The Legal Problems of the Rural Poor

A thoughtful examination of this nation's commitment to "law" necessarily produces ambiguous conclusions. As a nation, our history reveals a deep commitment to voluntary law observance, to the use of legislative and judicial process to resolve disputes and to the conduct of life in accordance with legal norms and rules. It also reveals, however, examples of widespread disobedience to legislative and judicial decisions, cynical non-enforcement or discriminatory enforcement of protective legislation, and domination of the legal process by special interest groups. These breakdowns have occurred most when (1) the victims are without access to the legal or judicial process, (2) official action affecting them is not subject to public scrutiny and review, and (3) there has been no clear delineation of public policy with respect to them. This is the plight of the migrant and seasonal farm worker.

A. THE CONDITION OF THE FARMWORKER—THE IMPLICATIONS OF THE LACK OF NATIONAL POLICY

The conditions under which crops are picked need no further delineation here. Reports to this subcommittee have amply documented the deprivations in health, housing, education, income which the farm laborer faces. Average days worked remain at less than 125 days per year and average income is still not above $1,000 per year. Average education is still well below eight years, and, among adults, twenty-five years or older, below five years. Thousands of children still work in the fields. Agriculture is still the third most dangerous occupation, behind mining and construction. Between 1950–1960, over 3,000 farm workers were poisoned by pesticides and farm chemicals. These statistics do not reveal the long-range trends. Concentration of control of agriculture in large mechanized farm units continues and work opportunities in agriculture continue to decrease. Mechanization continues at a pace which will eliminate even more jobs. Migration to the cities as an alternative further exacerbates the problems of urban slums.

The absence of a clear national policy on job retraining, education, farm labor housing, and rural development is difficult to defend. There is virtually no effective planning relating to control of population movement and the building of stable, viable communities in rural areas. C.f. *Urban and Rural America: Policies for Future Growth*, Advisory Commission on Intergovernmental Relations (1968). Farm workers are still excluded from the National Labor Relations Act and minimally covered under the Fair Labor Standards Act and other federal legislation.

The legal problems of the poor are, first and foremost, a function of these underlying deprivations. The problem is circular. Poverty generates legal problems which, in turn, add to the levels of poverty. Moreover, effective use of our legal machinery depends on knowledge, initiatives, and funds. Poverty deprives the farm worker of all of these and leaves him prey to the problems I will describe.

In addition, the absence of national concern and of legislative commitment serves to create a climate of indifference which adds to the problems of the rural poor. Solutions are deferred; other interests are responded to. The migrant, because he must travel, will be gone with the season in any event. The farm laborer is invisible.

This makes the rural poor particularly susceptible to the range of legal problems—fraud, evictions, garnishments, foreclosures—that affect all poor persons. It also makes them particularly susceptible to difficulties that arise from official action and inaction that represents a special kind of lawlessness. It is this problem to which I wish to address this memorandum.

B. NONENFORCEMENT—THE LAWLESSNESS OF INACTION

In some states, some protective legislation has been passed. Coupled with the federal law that does exist there could be painted a reasonably tolerable picture of protection. The picture is, unfortunately, a mirage. Uniformly, legislation and existing judicial and administrative decisions are not enforced. In California, the following are just some examples:

(1) Farm workers, throughout California, work in fields without toilet and handwashing facilities and are forced to defecate in the fields. It is against the law of the State of California to employ workers under conditions where there is no access to toilet facilities.

(2) Workers labor in 100°–110° heat and drink water from rusty cans without cups, covers or filters. It is against the law of the State of California to fail to provide workers with "cool, clean drinking water" with individual cups for each worker.

(3) Women workers are forced to lift lugs of over fifty pounds. Women who complain are fired or not rehired the next day. It is against the law of the State of California to force women to lift more than twenty-five pounds.

(4) Minimum wage for women in California was established by the Industrial Welfare Commission at $1.60 an hour. On the day the wage was to go into effect the growers filed a suit in the state court enjoining enforcement. The Attorney General's Office acceded to a three-month continuance of the hearing. The last minimum wage for women in California was greeted also with a lawsuit by the growers and an agreed continuance by the Attorney General's Office. That minimum wage (five years old) was never enforced since the lawsuit is still pending. There is no doubt the same result would have prevailed here were it not for a separate suit by California Rural Legal Assistance.

(5) Countless workers are recruited every year and brought to the Delano area to work in struck fields without being informed that a strike is in process. It is against the law of the State of California to recruit workers without telling them there is a strike. This practice is now the subject of an injunction suit.

(6) Farm workers are housed in labor camps which have broken windows, leaning roofs, open gas heaters, roaches and vermin. It is against the law of the State of California to house workers in dwellings that don't conform to the housing code.

(7) Farm workers have been, and undoubtedly will be again, fired for complaining about conditions or for organizing unions. It is against the law of the State of California to fire on these bases.

(8) Workers are continually exposed to chemical sprays without adequate protective clothing or warnings as to the nature and possible consequences of the spray. It is against the law of the State of California to spray crops without adequate precautions as to the content of the spray and for the safety of workers who may be affected.

These violations have been documented by official studies, private studies, individual complaints and a number of lawsuits. There are many, many more instances. In each instance, complaints to local law enforcement officials have been of no avail. No prosecutions result. Agencies assigned to enforce such laws are kept cynically understaffed or will inform you that it is not "politically feasible" to engage in strict enforcement. Where there is enforcement, it is in the form of requests for voluntary compliance. California Rural Legal Assistance has won a number of suits enforcing these rights, but, in terms of the prevalence of the practices, official enforcement is needed. Once in a while, there is enforcement. Guimarra Vineyards, the major subject of the grape strike, was found guilty of approximately twenty violations of the child labor and sanitation laws. The corporations and individuals involved received a suspended sentence.

This, of course, only describes conditions in California. The same is true throughout the South and Southwest as well as along the migrant streams.

Nor is the absence of law-enforcement limited to state institutions. Federal agencies exhibit a similar pattern. For example:

(1) Thousands of "wet backs," illegal immigrants, cross the border each year to break strikes and compete with domestic workers. The Immigration Department apparently refuses to take steps necessary to prevent illegal border crossings, i.e. punch systems, etc., or to prosecute growers involved in the illegal traffic.

(2) Every year thousands of workers are referred to work in fields where conditions are in violation of state law by the State employment service. This service is entirely financed by federal funds under the Wagner-Peiser Act. It is unlawful in California and elsewhere to refer workers to fields where illegal working conditions exist.

(3) A check of the records of the Social Security Administration in Baltimore would reveal that a very small percentage of farm workers have social security payments deposited on their behalf. It is, of course, illegal for an employer to fail to deduct, or to deduct and not deposit social security benefits of employees.

(4) In Florida, the Department of Labor still certifies foreign labor as temporary workers on the grounds that no domestic workers are available. As in California, where the practice was finally stopped by lawsuits, there is no compliance with federal requirements that efforts to secure domestic workers by offering competitive wages and working conditions be made before certification is requested.

(5) In all migrant streams workers still die in automobile accidents which are the result of unlicensed drivers, overcrowded vehicles, defective brakes and other protective devices. It is still true that the picking season will begin and end with "blood on the harvest moon." It is a violation of the Federal Farm Labor Contractors Act to transport workers in overcrowded and defective vehicles. One need only walk along the edges of the fields where the cars are parked to observe non-enforcement of the federal statute.

Unfortunately, these are only a few examples. Whether one turns to the Bureau of Indian Affairs, the Department of the Interior's administration of the one-hundred sixty acre limitation, the Department of Labor, the Department of Justice, the same pattern emerges. Decisions by these agencies on matters affecting farm labor have remained virtually invisible. There is no public scrutiny, no systematic mechanism of review, no articulation of reasons or criteria. Responsibility for policy is diffuse and no person or department can be identified as clearly having the power of decision. Even the courts have developed rules around standing and private causes of action which insulate them from facing these problems. The result is a susceptibility to special interest group pressures and the replacement of a rule of law by ad hoc, reactive decision making—in short, lawlessness. It is difficult, indeed, to say to the farm laborer that laws ought to be obeyed when he observes so many daily examples of its non-enforcement and its unavailability to protect him.

C. DISCRIMINATORY ENFORCEMENT

It is equally difficult to defend the law when he also sees so many examples of discriminatory application. The power of the law is used far more often as a club than as a shield. The examples can be found in Civil Rights Commission reports, Reports of Presidential Commissions on Law Enforcement, studies by public and private groups. The farm laborer, like others who are poor, are arrested more often, convicted more often, the subject of police misconduct more often than other groups. Again, examples are legion:

(1) On the picket lines in Delano, California, and throughout Kern County members of the Sheriff's Department arrest, harass, and interfere with union members engaged in peaceful picketing. Even when some of the exaggerations are sorted out, it is clear that official police authority is used to support the growers. For example, union members following trucks to market are continually stopped for license checks to give the trucks time to get away.

(2) In Texas, Texas Rangers used brutal methods to intimidate, harass and prevent organization of Texas farm workers. Union workers were shot despite no resistance to their arrest by the Rangers. The information was turned over to the Justice Department. With the coming of the FBI some of the violence abated but no prosecutions were ever made.

(3) On the highways of California, again and again, an accident between a farm worker and an Anglo is investigated by the patrolman by asking the Anglo alone what happened. It is impossible to provide data on the number of times Mexican farm workers are given traffic tickets without even being asked their version of the facts.

Again, these are only examples. Beyond this is the less overt but deeper discrimination of the subsidy system. Millions of dollars in the form of price supports, loans, grants, are poured into rural areas to benefit growers who control thousands of acres of land. Indeed many of these are administered by local committees who set priorities, i.e., farmers have administration committees on rural housing. Never is a farm laborer on one of these committees.

For the farm worker, who works only one-third of the year, there are welfare payments insufficient to even feed his family for which he is hounded, criticized, insulted. In addition, local public agencies adopt special policies to serve agricultural interests. In Madera, schools are closed or their openings delayed so that children can be released to pick the crop, thereby keeping wages down for adults. The Governor orders convicts into the fields to compete with domestic labor (this was enjoined by the AFL–CIO in California). The welfare departments serve as recruitment agencies for the growers, forcing recipients to work in the field despite conditions, despite violations of the minimum wage law, and despite the prior experience of the recipient. Men from rural cities, if they are Mexicans, are invariably required to work in the fields even if they have never previously done farm labor. It is difficult for him to see anything but the hand of discrimination behind this system of priorities.

D. ACCESS TO THE LEGAL SYSTEM

Endemic to this lack of legal protection of the farm worker is his isolation from the legal process. He is without advocates to plead his case before legislative committees or city councils. He is without legal assistance to utilize the benefits of what benefit programs do exist. It takes some degree of expertise to organize credit unions, or negotiate job training grants. He is without legal help to protect him from exploitation, fraud, or discrimination. He exists with the knowledge of his vulnerability and dependence, and that knowledge becomes the dominating factor of his existence, leaving him bitter, passive, apathetic. Except for some programs developed by the Office of Economic Opportunity, there are no lawyers to channel his grievance into the system. Assuming he can get some volunteer help, there is no money to pay the usual costs of litigation. Where legal aid programs have been established they are often controlled by local Bar associations who prevent the program from vigorously asserting the rights of their client. One would have to be somewhat skeptical about the Florida Bar's sudden willingness to run a program for migrants in South Florida, if the Office of Economic Opportunity would eliminate the South Florida Migrant Legal Services Program, one of the few aggressive and independent programs serving the rural poor. Where the case is one which does involve a fee, lawyers might be found, but very often their notions of loyalty to the client do not follow the same pattern as when the farmer is represented. In one case I handled when I was in McFarland the attorney representing the farm worker as payment for representation took a deed of trust on his house for approximately two thousand dollars. Despite the payment of eighteen hundred dollars in a two-year period, the farm worker found that he still owed the lawyer an additional two thousand dollars in interest for which he was foreclosing on the deed of trust.

Even where procedures are set up where no lawyer is allegedly needed, enormous abuse exists. Small claims courts become collection agencies designed as a way of providing bases for garnishments and attachments, if any property exists. Workman's compensation proceedings, where allegedly a lawyer is not needed, result in settlements of incredibly low amounts on the basis of reports from doctors employed by the companies who do the most cursory examinations. One thirty-year-old client, whose back was so badly injured he would never work again, received a final settlement of nine hundred dollars.

A judicial system which is not accessible to those with grievances is powerless to prevent abuse or to carry out its major function—the orderly resolution of disputes and the non-violent modification of the law to the conditions faced by the people it serves. It is a complex set of phenomena—cultural, historic, political—which has prevented the absence of law in the migrant and farm worker communities from resulting in more hostile and aggressive attempts to secure a response to grievance.

E. SOME SUGGESTIONS

This has been only a cursory overview designed to provide a framework for the problems rather than specifics. However, some Congressional action in these fields seems clearly demanded.

(1) Inclusion of farm workers under the National Labor Relations Act and the establishment of an appropriate federal enforcement machinery to protect organizing efforts. As in the early days of the Wagner Act an affirmative policy of assistance to unionization should be reflected in the legislation.

(2) A federally guaranteed income base for all farm laborers (and other groups) whether provided through unemployment insurance, or welfare payments. This would mean an elimination of the categorical divisions in the Social Security Act, a next logical step to Mr. Nixon's recent proposals on welfare.

(3) Amendment of the Social Security Act to make eligibility for benefits by farm workers administratively enforceable and to create an enforcement mechanism, capable of guaranteeing compliance. This might take the form of a special unit in the Social Security Administration to investigate and deal with such violations.

(4) Amendment of the Fair Labor Standards Act to raise the minimum wage for farm laborers. Since minimum wage legislation can be detrimental to the low-income earner by speeding up the use of more skilled laborers or automated processes to perform the function it might be advisable to allow wage rates to be set by geographic area and crop above the established minimum so that the potential for higher wages can be realized without exacerbating a wage-food cost spiral. Many crops can be paying higher wages without loss of consumer demand.

(5) Amendment of the Administrative Procedure Act to give standing to private persons to sue to enforce federal regulations. At the present time violations by federal agencies cannot be challenged even when there are lawyers available. No amendments or changes in the regulations of the agencies mentioned will make any difference without some method of enforcing compliance. The judicial system has always been the ombudsman for governmental agencies. It cannot serve as such if access to it is effectively barred.

(6) Amendment to the Pure Food and Drug Act or other legislation which would prevent the transportation in interstate commerce of any food products harvested, produced or picked in violation of state law regulating pesticides, sanitation, etc., or minimal health and safety standards established at the federal level.

(7) Increased appropriations for the improvement of farm labor housing, health, child care, educational opportunity.

(8) Increased appropriations to the Office of Economic Opportunity to expand legal services in rural areas, to encourage law schools to introduce the legal problems of the rural poor into their curriculum, and to train and recruit lawyers to serve as small claims court judges and justices of the peace where such positions are filled by civil service examination.

(9) Amendment of the Civil Rights Act, 42 U.S.C. 1980 et seq. to make it clear that non-enforcement of state or local law on the basis of race, religion or national ancestry will be subject to criminal and civil penalties. This was the intention of 42 U.S.C. § 1986, but it has been enormously narrowed by subsequent judicial interpretations.

(10) Appropriations to the Department of Justice under their grant-in-aid program earmarked to improve jury selection, payment of witnesses, bail practices, access to information, quality of appointed counsel in the administration of criminal justice in rural areas.

Each of these can be discussed in more detail. They recognize, however, the interdependence of legal protection and the basic economic and political position of the farm worker. They might make some change in the persistent truth of Mr. Dooley's comment:

> "Don't I think a poor man has a chanst in court? Iv coorse he has. He has the same chanst there that he has outside. He has a splendid poor man's chanst."

It might even be truer to say that, at the present time, he has no "chanst" at all.

Senator MONDALE. We are very pleased to have a distinguished group of witnesses here who from practical experience are able to contribute to our record. Our first witness this morning is Mr. Michael Foster, assistant director of South Florida Migrant Legal Services Program, Inc.

Mr. Foster, if you would come to the witness table, please.

We are very pleased to have you here this morning. We are most grateful, not only for this testimony, but for the help you have provided to the Senate Select Committee on Nutrition and Human Needs when we went down to Florida earlier this year. Your service was most helpful and I think we heard testimony in Florida, and gained insights that have been exceedingly helpful in getting some momentum into the nutrition programs.

STATEMENT OF T. MICHAEL FOSTER, ASSISTANT DIRECTOR, SOUTH FLORIDA MIGRANT LEGAL SERVICES PROGRAM, INC.

Mr. FOSTER. Thank you, Senator. I appreciate that very much. I have submitted to the subcommittee some appendixes on the problems of farmworkers which I hope will be helpful.

Senator MONDALE. We will include those in the official record at the conclusion of your testimony.

Mr. FOSTER. I do hope that people interested in the problems of farmworkers will look at them closely.

Mr. Chairman, my name is T. Michael Foster, and I am the assistant director of South Florida Migrant Legal Services Program, Inc., an OEO-funded program serving migratory and seasonal farmworkers in a six-county area of south Florida.

I appreciate this opportunity to appear before you today to discuss the plight of America's migrants and to give my views on some of their legal problems.

While I cannot speak as an authority on the problems of this Nation's seasonal and migratory farmworkers, I am familiar with the difficulties they face each day, and I know how these problems affect their lives. My experience as an attorney for the farmworkers of south Florida has given me a limited perspective of their problems, but perhaps I should be thankful that I do not know the full extent of the physical and psychological damage their transient lives have caused them. Their work is a form of peonage only slightly more subtle than physical bondage.

In terms of national priorities, agricultural workers appear to have been classified as a subspecies of the human race, a group whose needs have only recently reached sufficiently serious proportions to warrant interest from local, State, and Federal authorities.

FARMING AND MIGRANTS IN FLORIDA

More than 169,000 seasonal farmworkers and their dependents either migrated into or resided in Florida at some point during the long 1967–68 farming season. Only Texas and California saw greater numbers of workers and their dependents during that same period of time. Of that number, almost 100,000 either worked or lived in the six south Florida counties covered by our legal services program. We estimate on the basis of our experience in the program field offices that about half the farm laborers in Florida are black people, and the other half fairly evenly divided between Mexican-Americans, Puerto Ricans, and other white persons.

Florida was second only to California in the estimated man-months of migratory labor for 1968, but remained below the national average for 1968 in hourly wage rates, with only $1.30 an hour, compared to a national average of $1.43. Florida has a longer harvest season than most other States, with the peak months beginning in November and running through May. Almost every type of vegetable and citrus fruit is grown and harvested during our fall and winter seasons.

Farming is big business by any standard in Florida, with the State's annual gross income for that industry for the year 1968, being $1.218 billion. A study conducted by the U.S. Department of Agriculture of 25 States, including the Southeastern States, indicates the magnitude of corporate agribusiness in Florida.

Over one-fourth of the total corporate county units in the 25 States surveyed were located in Florida. This was the largest portion in the survey. One county unit indicates the combined separate operations of any farming corporation in that one county, so while there are fewer corporations than county units, there are more farms than county units, as where one corporation has several farms in the same county.

The total land involved in the Department of Agriculture's survey amounted to approximately 13 million acres, and Florida ranked second only to Texas in its contribution to this total, with nearly 30 percent of the 13 million acres. Corporations account for 31 percent of the total land in farms and ranches in Florida. Sugarcane and citrus in Florida constitute 71 percent of the land in crops, and Florida leads the Nation in its acreage in sugarcane. Over $6.5 million a year in farm subsidies are paid to Florida farmers receiving $5,000 or more in agricultural payments.

LEGAL SERVICES FOR MIGRANTS IN SOUTH FLORIDA

The South Florida Migrant Legal Services Program, Inc., ventured into this agriculturally oriented economy in September of 1967, with a staff of attorneys ranging in size from a high of 19 to a low of eight. From the beginning of operations through June of this year, attorneys in our four field offices have handled a total of 4,252—total participants, 7,351—problems for agricultural workers and their dependents. Of that number, 3,595 have been resolved and 657 remain to be concluded.

Our efforts have brought us before almost every level of State court, many administrative bodies, and Federal trial and appellate courts. In addition, we have pressed the interests of farmworkers before State and Federal legislative committees, sought revision of many laws that specifically exclude farmworkers, and assisted in the creation of new social institutions to permit farmworkers to help themselves.

Lastly, a good part of our time has been spent in learning about the problems of seasonal and migratory farmworkers so that we can serve them better, and some of our reflections on the subject are included in a project publication entitled "Seasons in the Sun."

THE LEGAL PROBLEMS OF FARMWORKERS

There are three closely related categories into which the legal problems of seasonal and migratory farm laborers most easily fall, and which a legal services program serving them must necessarily consider. First, would be those problems caused by either abuse of or discrimination against farmworkers by private individuals, law enforcement agencies, or other governmental bodies. These problems usually result from either community hostility toward farmworkers, overzealous law enforcement against farmworkers, or lack of enforcement of laws intended to benefit farm laborers.

A second general category relates to inadequacies in laws intended to deal with the problems of seasonal and migratory farmworkers, outright exclusion of farmworkers from the benefits of some laws, or the lack of awareness on the part of most lawmakers of the unique situation of farmworkers.

The third major problem area in the migrant stream and in south Florida is the lack of social institutions within the migrant subculture to permit farm laborers to cope with their conditions by group action.

ABUSE, DISCRIMINATION, AND HOSTILITY

With respect to the abuse and discrimination suffered by migratory farmworkers, it must be remembered that they are generally an unwelcome element in most of the communities in which they work. They are needed, and so tolerated, but only so long as they are a vital piece of machinery in the local economy. The basic community attitude toward the migrant is one of suspicion, contempt, and hostility.

The migrant is trundled back and forth across the country and to the fields in old trucks and buses with a minimum of consideration for his comfort and convenience. When he arrives at the fields at the beginning of the day, if the crops are still wet with dew, he must wait without pay, even though he is at the farmer's field and ready to work. If he cannot work that day, he will probably be returned to the camp empty handed, having lost a day's wages that his family vitally needed for survival.

The workers are often enticed to jobs by promises of high pay and free quarters, only to find the pay far below their expectations, and that their living quarters and other expenses are deducted from their wages, leaving them almost nothing. If they try to leave the camp, they will be threatened with arrest if they still owe the camp manager or farmer money for food, lodging, or transportation. The effort to leave may even be met with physical intimidation or actual violence.

Visitors who attempt to enter the camps to assist the workers are often refused access and threatened with arrest for their trouble.

I have seen a white farmworker sentenced to 6 months' imprisonment on a vagrancy charge because he was found in the part of a community inhabited predominantly by Mexican-Americans. I have also witnessed the sentencing of farmworkers withheld on the basis of an extracted promise to leave the county in which the offense was committed and not return for 5 years.

Attorneys with our program have challenged in court another flagrant form of banishment, where law enforcement officers in a small Florida town allegedly took into custody farmworkers who were found on the streets, left them in jail overnight, and then drove them to the county line the next morning, with an admonition not to return.

Florida has a statute requiring nonresidents to register their automobiles in the State and obtain State driver's licenses if they work in the State, even though they are not and do not intend to become Florida residents. This law works quite a hardship on migrant farmworkers in Florida, and it has been reported to us by some of them that it is more zealously enforced in areas away from farming, with the none too subtle implication the worker had better stay where he belongs or face trouble with the law.

Yet less stringently enforced are sanitary regulations requiring field privies and suitable housing for farmworkers. But they have grown accustomed to these conditions, and it is rare to find one willing to complain about code violations to health officials. The likely result of such boldness would be the speedy eviction of the troublemaker, or the inevitable threat of arrest.

Another example of the way in which this attitude of hostility toward farm laborers manifests itself is the very begrudging way in which supporting services for the migrant are accepted, unless some indirect benefit inures to the farmer. Examples of this, in addition to our own legal services program, include the Federal food programs, and to a lesser degree, the migrant health project.

Several of the counties in which our lawyers work do not participate in the Federal commodity foods program. No Florida county yet has an operating food stamp program. In Collier County, which has an annual gross income from its farming industry of $40 million, the county officials rejected for over 2 years repeated urgings to participate in the commodity foods program, and only recently have authorized the food stamp program as long as the outreach efforts are conducted by the OEO-funded community action migrant program, and the program is tied to some sort of a rehabilitative project to make recipients self-sustaining.

This will be small consolation to the farmworker who finds himself stranded in the county during a bad spell with no money for food stamps. But even this compromise program took tremendous pressure on county officials to start, including field hearings in Collier County by the Senate Select Committee on Nutrition and Human Needs. The traditional county attitude has been that the responsibility lies elsewhere, since migrant farmworkers are regarded as Federal people.

The migrant health project funds reach only 17 of the State's 67 counties. This particular problem is both one of local hostility and a national unwillingness to deal with the full magnitude of health problems suffered by migrant and seasonal farmworkers. In reporting last year on the efforts to extend the grant to the migrant health program, the House of Representatives pointed out that medical and dental visits by migrants are about one-fifth and one-twenty-fifth the national per capita average, and that:

> The health needs of migrants far exceed those of the general population. Some migrant mothers fail to get needed prenatal care and have only a midwife in attendance at the time of their delivery in a migrant labor camp. Ear infections, impetigo, allergies, poisonings, dental defects, alcoholism, hernias, nutritional deficiencies and intestinal parasites are among the conditions frequently reported. Acute diarrheal disease continues to be an important cause of death among young infants. Deaths from tuberculosis and other infectious diseases among agricultural migrants are at double the national rate, and deaths due to influenza and pneumonia are 50 percent higher. (90th Congress, 2d Session. House Report No. 1536, p. 16.)

Yet, Wilson T. Sowder, the director of the Florida State Board of Health project said that last year the State had only $800,000 to administer to the health needs of the approximately 100,000 migratory farmworkers and their dependents who labor in the State, or only $8 per person. Newspaper articles announcing the stationing of a full time Public Health Service doctor in Immokalee, Fla., reported the local suspicion of such a "Federal" person and expressed the hope that the community attitude would not make his work unpleasant.

EXCLUSION OF FARMWORKERS FROM FEDERAL AND STATE LAWS

The second category of legal problems for seasonal and migratory farm laborers relates to their almost uniform exclusion from various legislative and regulatory efforts protecting workers in other industries, or their limited inclusion within those laws and regulations. Included also within this classification is the failure of legislators to deal with the unique situation of the migrant in passing laws that do not adversely affect other segments of the population, but fall heavily upon him. This category is perhaps the most comprehensive, and results in the greatest hardships for the migrant as he travels across the country.

WELFARE

An example of a problem related to the necessity for frequent travel by the migrant can be found in the administration of welfare programs. Until the Supreme Court declared welfare residency requirements unconstitutional, Florida had one of the longest residency requirements for welfare of any State in the Union, and it still ranks among the lowest States in the monthly payments to recipients.

Every categorical assistance program administered by the State welfare department required 1 year's continuous residence for eligibility, and several of the programs included an additional requirement of 5 out of the last 9 years, but permitted applicants to use time segments of building blocks to meet this requirement. Unfortunately, the Supreme Court's decision has not been a panacea to the welfare problems of farmworkers.

While durational requirements have been declared unconstitutional, residency in the State is still required by the Federal regulations recently proposed by Secretary of Health, Education, and Welfare Robert H. Finch in the Federal Register. Under those regulations, being in the State for a temporary purpose precludes one from establishing eligibility for the categorical assistance programs.

With regard to county welfare, the situation is certainly no better from the migratory farm laborer's viewpoint. Florida has no statewide general assistance program, but some counties do allot a small part of their budget to general assistance. In one of the two counties with which I am most familiar, a 1-year residence eligibility requirement is still imposed by the county welfare department. In the other, we have been informed that there is a 6-month residence requirement, and that the county commissioners must pass on all applications for county assistance.

So the migrant farmworker can and often does find himself stranded in a county of the State where adverse weather or crop conditions leave him without work, and his temporary purpose leaves him ineligible for State or county welfare, and the county's refusal to participate in Federal food programs leaves him and his family hungry.

Some consideration must be given to the unique situation of the migrant, who travels across the country to be where the work is, and has little chance of establishing residence in the communities in which he works. If misfortune befalls him or his family, he is left to fend for himself. This is a national problem, and one which will require some action by Congress before it can be solved.

HOUSING

Housing is a problem of the first magnitude for farmworkers. The need for more and better housing is nowhere greater than in the migrant stream. In Florida two agencies regulate farm labor housing, the Florida State Board of Health, through its sanitarians; and the Florida Hotel and Restaurant Commission.

The board of health is responsible for farm labor camps housing 15 or more persons and the hotel and restaurant commission theoretically covers accommodations for pay. The agencies both have the power to bring effective sanctions to bear, but agency officials will readily admit that as presently staffed, and with the need for housing for workers so critical, they can do very little to prevent farmworkers from living in substandard and unsanitary conditions.

As an example, Collier County Health Department figures for the 1967–68 farm year showed 126 camps in the county, with 99 of them permitted. The total camp residents numbered 5,053 persons, while 16,947 farm laborers and their dependents are listed as living in other housing. So only 22 percent of the farm labor force and their dependents lived in camps, and only some of those camps met State standards. This picture has brightened somewhat with more active enforcement this year and the prospect of a 150-unit housing project funded by Farmers Home Administration to be built in the county's farming center, Immokalee.

Federal regulation of farm labor housing is through the Bureau of Employment Security of the U.S. Department of Labor, in cooperation with the State employment offices. Interstate clearance orders are issued to farmers who come to the State employment offices requesting assistance in obtaining workers. This method has not resulted in substantial improvements in farm labor housing for a number of reasons.

First, the interstate clearance order system is strictly voluntary, and the vast majority of farm recruiting is done through other channels.

Second, enforcement provisions regarding migrant housing are virtually nonexistent, since exclusion from the interstate clearance order system has no real economic effect on most farmers.

Third, the Bureau of Employment Security shifts the responsibility for inspecting camps to the State employment offices, with apparently little or no supervision to determine whether the labor camps actually comply. As long as the use of interstate clearance orders remains a voluntary system, free from meaningful penalties, it will be ineffective.

I would urge Congress to make the system mandatory, and require strict regulation of every interstate effort to recruit farmworkers. We regulate the interstate transportation of many other types of cargo, and we should certainly control the abuses resulting from the unregulated interstate transportation of a cargo as precious as humanity.

Such legislation would not only have the effect of improving farm labor housing on a nationwide scale, but could significantly reduce such abuses as the recruiting of children for the farm labor force, unsafe means of transporting farmworkers, and other exploitative and dangerous practices indulged in by some crew leaders and farmers.

An additional need is for a much more aggressive effort on the part of the Federal housing agencies, particularly the Farmers Home Administration, to seek out the areas of the country most critically in need of improved farm labor housing so that this problem can be speedily met.

THE SOCIAL SECURITY ACT

The migratory and seasonal farmworker has never been effectively covered by the Social Security Act since his belated inclusion in that legislation in 1956. The officials responsible for enforcing this law indicate by their attitude the impossibility of their job. They will tell us that farmworkers don't want social security money withheld from their pay, and crew leaders will tell us that their workers will quit if the money is withheld, and the workers themselves say it is withheld but not turned in (as they often find out years later when nothing can be done about it).

Countless farmworkers for whom we have sought social security benefits have not had sufficient money paid in, even though many of them have had it deducted from their wages in the past. This money is forever lost to them, because their earning years are over and they will never be able to pay in what is needed for eligibility. So they are deprived a second time of the money they worked so hard to earn. This is ironic when you consider they are the lowest paid segment of our work force and can least afford to have money slip away from them this way.

The presumption that the crew leader is the employer absent written evidence to the contrary, and the $150 or 20-day exemption from social security coverage, have effectively denied thousands of farmworkers the benefits offered by the act. Furthermore, the lack of educational efforts to acquaint migratory and seasonal farm laborers with the provisions of the Social Security Act has left most of them ignorant of the advantages of coverage.

Only by eliminating altogether the $150 or 20-day exemptions and the presumption that the crew leader is the employer, can farmworkers ever be meaningfully included within the law. As an alternative, one solution might be to make the responsibility for deducting social security fall upon only those crew leaders who have been issued a certificate of registration pursuant to the farm Labor Contractor Registration Act of 1964, and put the responsibility on the farmer in all other instances.

Other possible alternatives would be to require the farmer to deduct and report social security withholdings from the pay of those workers who labor in his fields, or at the very least reversing the presumption to require the farmer to assume the position of employer absent written evidence to the contrary.

Perhaps a legislative solution to the continuing problem of farmworkers ineligible for social security benefits because of the failure of their employers to withhold sufficient amounts from their pay, or because of their own ignorance of the requirements of the law, would be an amendment permitting those persons to withdraw what has been paid into social security in their behalf in amounts equal to the payments they would have received if they had qualified, and contingent upon their eligibility for benefits under the old-age, survivor, or disability insurance provisions of the act.

THE FAIR LABOR STANDARDS ACT

The minimum wage provisions of the Fair Labor Standards Act still single farmworkers out for unique and discriminatory treatment. Farmworkers are the lowest paid occupational group in the country, yet the minimum hourly wage for them is by law substantially lower than that of their fellow workers in other industries. This wage must be raised to a level comparable to that of the rest of the work force in the country.

In addition, the 500 man-days per calendar quarter test should be lessened to draw more workers into the coverage of the act. Information already before this subcommittee reflects that a 100 man-day test would affect only 7 percent of our Nation's farms while extending minimum wage coverage to 60 percent of its farmworkers.

The act should also be amended to include employees who are paid on a piece rate basis, commute daily from their permanent home to the farm where they work, and worked less than 13 weeks during the preceding calendar year. There is no justification for this exclusion. Part-time and local workers are an important part of Florida's farm labor force. Some may do farmwork for only one short season, and find other employment during other times of the year. To deny these persons the benefits of minimum wage coverage serves no purpose other than to save the farmers or crew leaders a few dollars that might properly be paid to people who do the same work as the migratory farm laborer.

Additional matters regarding the minimum wage that require legislative attention are the exclusion of farmworkers from overtime pay and the exclusion of persons under 16 years of age outside of school hours or unless engaged in an occupation deemed hazardous by the Secretary of Labor. Farming is unique in its susceptibility to the hazards of bad weather and its need for almost immediate mobilization of a work force when crops ripen, and the exemption of farmworkers from the maximum hours section of the Fair Labor Standards Act may also be partially explained by the general lack of sophisticated payroll procedures.

But other industries face equally capricious hazards and still are able to pay their workers for overtime. For a farmer or crew leader who works the same group of employees regularly, bookkeeping would be no hardship. Perhaps here there is some justification for excluding day-haul agricultural laborers because of the casual nature of their employment relationship, but they are the only class of workers who can justifiably be excluded.

The exemption of persons under 16 years of age outside of school hours from the minimum wage law often encourages child labor rather than deterring farmworker families from putting their children to work in the fields. The children are a cheaper source of labor, and often as skilled as some of the older workers. If the deterrence of child labor is the purpose of this exclusion from the act, then I submit that more effective means can be found. Perhaps if life offered the children of farmworkers other options, they would not turn to work in the fields for their livelihood.

THE NATIONAL LABOR RELATIONS ACT

The exemption of migratory and seasonal farmworkers from the benefits of the National Labor Relations Act is a cardinal example of discriminatory treatment. Whatever the justifications may have been in 1935 when Congress enacted the law, the outright exclusion of farm laborers should certainly not be perpetuated.

There is a growing awareness among farm laborers of the need for collective bargaining to correct the abuses suffered in the migrant stream. The history of unions in other industries, and the history of agricultural unions in Hawaii and in areas outside the United States, has taught us that the improvement of the lot of workers need not necessarily result in prohibitive expenses to the employer.

Agricultural workers must be given the same opportunities as workers in other areas of American enterprise. I believe that some of the problems of farmworkers that this subcommittee has addressed itself to in the past will be substantially eliminated by effective labor organization within the migrant stream, such as the regulation of wage payments, housing and field sanitation problems, social security compliance, and workmen's compensation coverage.

I am aware that farmers expect labor organization among their workers to result in great harm. If there is a need to treat agribusiness uniquely, then I urge Congress to demonstrate the spirit of compromise it is capable of to deal equitably with the problem. But the time is now to put farmworkers and their employers on the same footing, so that they can deal together as equals across the bargaining table.

At the State level, some examples of the exclusion of farmworkers from legislation intended to protect persons in other industries are the workmen's compensation and unemployment compensation laws. In Florida, as in many other States, both laws exclude farmworkers.

WORKMEN'S COMPENSATION

There is no current justification for excluding agricultural workers from workmen's compensation laws. Today farmwork is the Nation's third most hazardous industry in terms of fatalities, resulting in more deaths than all but two industries, mining and construction.

Even in areas of agriculture where mechanization has not yet begun, the increasing and poorly regulated use of pesticides has created hazards of a magnitude that only protective legislation, beginning with the inclusion of farmworkers within the workmen's compensation laws, can prevent a large segment of our working population from assuming the unwilling risk of serious injury or even death at their jobs with no protection for them or their families if they miss work as a result of their injuries, or if they die.

PESTICIDES

The need for protective legislation regarding pesticides goes beyond the interests of agricultural workers. The uncontrolled use of dangerous chemicals in agriculture has reached the point where all of us are endangered. Yet for the people who work in the fields it is much more than an academic controversy. Almost every farmworker I have spoken to on the subject has been sprayed or covered with chemicals while working in the fields. Some have become ill themselves. Others know about the unexplained convulsions resulting in death that follow exposure to the poisons used in farming.

In Florida one of the most commonly used insecticides is parathion. Farmers prefer it to safer chemicals because it is cheap. Parathion has almost unlimited lethal potential, yet is by no means the most deadly chemical used. Consider the case of a young Immokalee farmworker who died after eating a sandwich in the field without washing his hands. It was later established by the State board of health that he had suffered parathion poisoning, even though the crop he was working in had not been sprayed for 22 days.

Or consider the little Florida town of Arcadia, which went through a night of near panic when sacks that had contained parathion were found floating in the Peace River, its source of drinking water. These are not isolated instances. I have heard health officials relate frightening accounts of the misuse of pesticides. Newspaper reporters have told me that some of the information they discovered on the subject was so terrifying that their editors would not print it.

Unless something is done to control the use of dangerous chemicals in agriculture and elsewhere, a tragedy of sizable proportions will inevitably result. I urge you to read the personal accounts of farmworkers and the newspaper articles contained in the appendixes on pesticides I have submitted with this statement. I think this is a matter of national concern and I hope the Congress will look into it soon so that something can be done to correct the situation.

Attorneys with our program assisted in the drafting of proposed State legislation to control the misuse of pesticides in the fields, but our proposal failed to clear committee, and the only legislation regarding pesticides to be enacted into law in Florida this year relates to labeling and packaging, and appointments to the State pesticide technical committee. It is a step in the right direction, but not far enough or fast enough, I am afraid, to prevent further tragedies in the fields and perhaps elsewhere.

UNEMPLOYMENT COMPENSATION

A need that is less dramatic but certainly important from the standpoint of the farmworker is for his inclusion in unemployment compensation laws. The rationale for his exclusion is the seasonal nature of farmwork, and the difficulty in administration of the program because of poor recordkeeping by most farmers and crew leaders. However, if the farmers want to keep their skilled work force, and avoid the inevitable attraction of other industries where workers are better cared for, then it is time for a recognition of the needs of agricultural laborers.

This subcommittee has suggested the possibility of a 300 man-day exemption for legislation to permit farmworkers to receive unemployment compensation. I hope the Congress will seriously consider that suggestion. It would have the effect of covering only a small percentage of the farms, but a substantial percentage of America's farm work force, and the stabilizing influence it would have upon the farmworker would prove to be a benefit not only to the worker and his family, but the farming community as well.

THE NEED FOR SOCIAL INSTITUTIONS IN THE MIGRANT SUBCULTURE

The third major problem area for farmworkers I spoke of earlier is the lack of social institutions within the migrant subculture. The existence of these institutions would cultivate change in the migrant stream by permitting farmworkers to better their conditions by group action.

The attorneys with our legal services program have directed considerable effort toward assisting agricultural workers in creating organizations for the betterment of their lives. We have worked with nonprofit community improvement groups, day care centers, corporations for the procurement of better housing through Federal loans, lighting districts in farmworker communities, volunteer fire departments and rescue squads, corporations for profit organized by former migrants, and have sought SBA loans for the initiation of new businesses by migrants.

In one unique situation attorneys with our program even assisted in the negotiation of a labor contract in settlement of a case against a large farm in south Florida. Perhaps our most rewarding work has been helping these groups. Farmworkers are painfully aware of their lack of power and organization. And they have a healthy skepticism toward so-called organizers who come into their communities unaware of the degree of hostility faced by farm laborers, and the difficulties to be encountered in working together for any purpose, because of their transient lives and the fear farmers have of labor unions.

So the groups we have worked with were born of the migrants and nurtured by their needs. They represent the first realization of the latent power of many people speaking with one voice, and we think they are the key to meaningful change in the future. To date, our legal services program has served more than 20 groups, affecting either directly or indirectly the lives of literally thousands of farmworkers and their dependents.

THE NEED FOR EXPANDED LEGAL SERVICES FOR FARMWORKERS

In summary, I would like to emphasize the need for expanded legal services to farmworkers and other segments of the rural poor. We cannot wait until they contribute to our urban problems before we begin to meet their needs. The migrant is a difficult person to provide legal services for because of his almost nomadic way of life.

Often our efforts in his behalf are interrupted by the necessity for his following the migrant stream. The job is also complicated by the migrant's inability to leave the camps and fields and come to us. We must take our services to him, and the task is made more difficult by the many miles we have to travel to serve him.

But before legal services to farmworkers can be considered a meaningful remedy to the myriad of problems facing them, agricultural laborers must be included within the full scheme of social legislation enjoyed by other segments of the Nation's work force. Only by acknowledging the right of the farmworker to equal access to the benefits enjoyed by other workers, and our own continuing need for their labors, will the seasonal and migratory farmworker enjoy the dignity and self-respect he deserves.

We canot dodge our reponsibility by relying upon the eventual mechanization of farming and the possible elimination of the migrant stream. The needs of the farmworker are a present problem, and the time for their solution is now. Continued reluctance to meet these needs will only result in continued labor strife, continued economic bondage, and sustained poverty and despair for farmworkers and their families for years to come.

Senator MONDALE. Thank you very much, Mr. Foster.

How many lawyers do you have in South Florida Migrant Legal Services?

Mr. FOSTER. At present we only have eight.

Senator MONDALE. When you were fully funded, how many did you have?

Mr. FOSTER. The most we have had was 19.

Senator MONDALE. When you were fully funded and underway, how adequately were you able to serve the legal needs of the migrants in south Florida?

Mr. FOSTER. Their needs are really so comprehensive that when you increase the staff every person works up to the maximum of his capacity. So really eight lawyers are working as hard as they can, and 19 lawyers were working as hard as they could. It takes a great deal of manpower to solve their comprehensive problems.

Senator MONDALE. How much of the problem of migrant and seasonal farmworker powerlessness can be dealt with by OEO-funded legal service programs? How important is this?

Mr. FOSTER. Frankly my opinion is that only a small portion of the elements that go in to make up the powerlessness can be dealt with by legal services programs funded by OEO. Many of the problems result from lack of inclusion within the legislation that everybody else benefits from.

I think certainly they are far better off having our services than no services at all.

Senator MONDALE. If you were the Congress and you had your way, in what ways would you alter, enlarge, or change the OEO legal services program to better assist the migrants?

Mr. FOSTER. The first thing that should be done should be to expand them substantially. There are only a few programs in the country that deal with migrants. As I pointed out in my statement, it is very difficult to stay in touch with a client all year round, because he leaves and goes up the stream.

If we had a cooperative program in Michigan, in New Jersey, and other parts of the country where they happen to go where we could familiarize them with the case very quickly and let them do what needs to be done there, we would be better off.

Senator MONDALE. When OEO-funded migrant service programs really start becoming effective, and you start suing the right people, and speaking out on right causes, isn't there a danger that the powers that run the establishment will resent that kind of interference?

Mr. FOSTER. Very great danger, and I think our legal services program reflects the difficulties that you can get into when you do take an aggressive posture in behalf of the farmworker.

Senator MONDALE. I notice in your statement you didn't deal with political involvement. But it seems to me that all of the difficulties that you are talking about, such as the exemptions from laws, and the failure to enforce the laws that do exist, stem basically from the political impotence of the farmworker. I can, of course, understand this nationally, because their numbers are so small.

But in Collier County, for example, there are between 22,000 farmworkers and 26,000 others, as I recall. That is not a majority of farmworkers, but that is a pretty good start, and yet the chairman of the county board said migrants were "Federal people," and disclaimed any responsibility for migrants whatsoever.

Mr. FOSTER. That is very true.

Senator MONDALE. How do you explain the apparent political impotence of the migrants?

Mr. FOSTER. One problem for the migrant has always been establishing residency in Florida. To vote in Florida you have to be a resident of the State for 1 year and the county for 6 months, so that is a handicap. Most of them can't qualify.

Senator MONDALE. Have any migrant service programs tried to deal with that problem?

Mr. FOSTER. We have to stay out of that area somewhat. We can't get involved in voter registration, because we are precluded from doing that by OEO.

Senator MONDALE. Is that so?

Mr. FOSTER. Yes.

Senator MONDALE. Migrant farmworkers who live in Collier County, for example, and then migrate north and back, have got to be residents somewhere; don't they?

Mr. FOSTER. They certainly do.

Senator MONDALE. A good share of them are U.S. citizens?

Mr. FOSTER. Yes.

Senator MONDALE. It is not unique for members of various professions to be absent a good deal of the time. Salesmen, Congressmen, many Federal officials, Cabinet officers, they all continue to vote in the States of their original residence. That is their intention.

This is very common and it is true in all States. What is there that is unique about the migrant? He is working around the country, but it is pretty clear that he came from someplace and that is his residence. Why can't he easily register and vote?

Mr. FOSTER. I think there are several reasons. First, as you heard during the select committee hearings in Collier County, he is not well received even if he claims an area to be his home. The attitude of hostility is all pervading. I think if you take the example of a Senator or Congressman who is away from the State of his residence, certainly he is not going to have difficulty establishing residency in that State.

Senator MONDALE. Is there any evidence that migrants have tried to establish residency?

Mr. FOSTER. No. The problem with the migrant is that he has been in the situation so long that he doesn't expect to get out of it and he is not enthused with efforts to get him out of it unless he can see some proof that they are going to work, but voter registration and efforts of that sort have been partially successful in some communities where there are great numbers of them in winter, for instance in Immokalee.

But even if they register, what power does that give them where the elections are at large? A person running for county commissioner must qualify in the district where he resides, in Immokalee for example, but all over the county, all of the citizens of the county vote for those offices. So he may not actually be elected, as for example in Immokalee, but there may be sufficient votes in Naples to put him in office, even though he is not popular where he resides.

I am using that as an example.

Senator MONDALE. But there are 22,000 farmworker votes, and there are 26,000 nonfarmworkers. That is pretty potent if they were voting. It is my impression and we don't have any figures on voter participation, and I am shocked at how difficult it is to probe this area. There is very little interest and involvement by the migrant, maybe because he is just so dispirited and pessimistic that he thinks voting is futile. Maybe because of discrimination county officials won't let migrants register, even though he is a resident. Maybe it is a combination of factors.

The result is that many of these problems could be at least partially alleviated with local governments receptive to welfare, housing, sanitation, law enforcement, and food programs. But there is no evidence, as far as I can see, of any thrust in that direction at all.

Mr. FOSTER. I think that is true. There is no thrust in that direction. It is an interesting situation. My feeling is that the social structure is almost feudal in nature.

Just as an example, you have seen the attitude reflected by county commissioners that these people are Federal people, they are not our responsibility, yet Florida has a law on the books requiring a license at a cost of $1,500 to recruit farmworkers from a county to go out of State, and a license has to be obtained in every county in which recruiting is done.

So, on one hand, they claim no responsibility for these people and they say they are the Federal responsibility. On the other hand, if you attempt to recruit those workers away to go out of State, you are going to be in big trouble if you don't get the $1,500 license and, of course, the $1,500 is prohibitive.

Senator MONDALE. There have been some charges that some of the migrants are dealt with in such a way that their status closely approximates that of peonage. Would you comment on that?

Mr. FOSTER. I think that is very true. They are only one step above slaves. It is an economic bondage, but it is certainly as strong as chains in a sense. They live on probably the closest margin of any group of people in the country, which is really a hand-to-mouth existence.

The money they make goes toward buying groceries and the absolute necessities they need at that particular time. They can't save money, for instance, to plan on leaving an area. They are stuck there as long as there is a crop to bring them an income and when they are finished with that crop, most of the country doesn't want them any longer and they pretty much have to leave.

Once a person gets in the stream, it is very difficult to get out, and that is peonage by my definition at least.

Senator MONDALE. I believe that in Florida there is an organization known as OMICA—Organized Migrants in Community Action—which is an effort by the migrants to establish a community organization of some kind. How successful has that been and what might flow from it if it were successful?

Mr. FOSTER. OMICA has been very successful. They have got now thousands of members in the organization and we have very high hopes. I think in the future we can see voter registration efforts, and many, many efforts to better the lives of farmworkers.

I don't know how far it will go and how much help they will need from other sources, but we are very optimistic and we think there is a need for many other similar organizations.

Senator MONDALE. Is there any evidence of an ongoing thrust that it is gaining momentum?

Mr. FOSTER. Yes, very definitely. Their momentum has gained in leaps and bounds and we hope it will continue.

Senator MONDALE. What are their chief objectives? What do they claim to be doing?

Mr. FOSTER. That is hard to say. The spokesman for OMICA can tell you better, but there are so many problems faced by farmworkers, they can go in any direction. One of the main problems, of course, is increasing their numbers right now so they really will have power.

Senator MONDALE. Is there any effort on the part of that organization to encourage migrants to get out of the stream?

Mr. FOSTER. Yes, there very definitely is. That is something that is hard to do right now. I think they see that if they can hang on and continue their lives as migrants for a while and accomplish some of the things they want to accomplish, probably it will lead them out of the migrant stream to settling in an area and getting a decent full-time paying job.

I think that is the basic goal of almost every migrant. They will talk about the life they live in the migrant stream and the deprivation they suffer, and really the heartbreak, and they want to get out of it. Many of them can't. They don't know how.

I think if OMICA accomplishes nothing more, if it gets a good many of them out of the migrant stream, it will be a very successful organization.

Senator MONDALE. Have they made any voter registration efforts?

Mr. FOSTER. I am not aware whether they have or not. I think they intend to in the future.

Senator MONDALE. Is there any evidence that the political structure at the local level responds to them at all? Do they recognize OMICA as being an important force?

Mr. FOSTER. Yes, at the local level many of the officials have been much more responsive because they are speaking with a little more power behind them now. That is something. Occasionally you will find in some communities individuals who are in the local government who have been there for a number of years and who have known farmworker families and, even though they can't break away from the system and treat them on an equal level, they do sympathize with them somewhat, and these officials now have an excuse for doing things that maybe they would have liked to have done in the past but couldn't, because OMICA speaks with a little more force than an individual farmworker.

So this course, we think, as I stated earlier, is the key to ending the powerlessness that the migrant suffers from. If they can get together and solve some of these problems on their own without the help that they have never been given, there is real hope in the future.

Senator MONDALE. You talked about the pesticide problem and I think you said there were some materials in the documents you presented?

Mr. FOSTER. Yes, sir.

Senator MONDALE. Have there been any efforts by the farmworkers to organize for the purpose of bargaining for improved wages and working conditions in Florida?

Mr. FOSTER. No major efforts. OMICA would like to get to this problem sometime. In one instance, it was a very unique situation, we were able to negotiate with a large south Florida farm in settling a lawsuit we had pending against them. This has taken place in several other isolated instances elsewhere in the country.

This is about as far as we can go toward involving ourselves in this activity. The rest somebody else will have to do.

Senator MONDALE. Thank you very much, Mr. Foster, for preparing an excellent statement. It will serve as an important contribution to our hearing record.

We will include in the final record, at this point, the documents that you submitted in support of your prepared statement.

(The documents referred to follow:)

APPENDIX A

A COMPENDIUM OF FLORIDA AND FEDERAL STATUTES RELATING TO SEASONAL AND MIGRATORY FARMWORKERS

FLORIDA STATUTES

STATUTES AFFECTING MIGRANTS

II. MIGRANTS IN SOME WAY ARE EXEMPTED FROM THE BENEFITS OF A STATUTE ON THE BASIS OF THEIR WORKING STATUS

Statute or its description	Provisions and content of statute	Citation
Child Labor Law[1]		F.S.450.011–450.071
	A. General exemption of farm work from the act	F.S.450.011
	B. Specific exemption of farm work from the act:	
	1. hours of work for children regulated	F.S.450.081(1)-(4)
	a. sections here do not apply to farm work	F.S.450.081(4)
	2. employment and age certificates required for employment of minors.	F.S.450.111(1)-(4)
	a. employment certificates for minors 12 through 16 employed after school hours—section requiring certificates does not apply to farm work.	F.S.450.111(2)
	b. age certificates for minors 16 through 18—section requiring certificates does not apply to farm work.	F.S.450.111(3)
	3. twelve year old minimum age for any work	F.S.450.021
	a. does not apply to farm work	F.S.450.021
	C. Farm work not excluded from the act:	
	1. hazardous work for children	F.S.450.061
	2. minimum age for work during school hours, 16	F.S.450.021
	3. employment certificates for minors 14 through 16 working during school hours.	F.S.450.111(1)
Unemployment Compensation Law.		F.S.443.01–443.22
	A. Exemption of "Agricultural Labor" from the meaning of "employment".	F.S.443.01(g)(1)
	B. Defining "Agricultural Labor"	F.S.443.03(g)(1)(a-d)
	1. as labor including raising of crops and of animals and harvesting.	F.S.443.03(g)(1)(a)
	2. as labor including operations and maintenance of farms.	F.S.443.03(g)(b)
	3. as labor involving production of maple syrup and maple sugar and any other agricultural commodity as defined in the agricultural commodity act.	F.S.443.03(g)(1)(c)
	4. as labor involving packaging incident to preservation or pre-market shipping.	F.S.443.03(g)(1)(d)
	C. Exemption is from all benefits of the Act, since one must have been previously employed to get the benefits.	F.S.443.05
Workmen's Compensation Law		F.S.440.01–440.57
	Exemption of "Agricultural Labor" from the meaning of "employment"	F.S.440.02(1)(c)(3)
	B. "Agricultural Labor" defined as work at a farm	F.S.440.02(1)(c)(3)
	C. Exemption is from all benefits of the Act, since one must have been previously employed to get the benefits.	F.S.440.09(1)
Housing Authority Law	A. Houses financed by loans for domestic farm laborers pursuant to § 514 of the Federal Housing Act of 1949 are exempt from regulations under this law	F.S.421.10(3)

See footnote at end of table.

FLORIDA STATUTES

STATUTES AFFECTING MIGRANTS—Continued

II. MIGRANTS IN SOME WAY ARE INCLUDED WITHIN THE BOUNDARIES OF A STATUTE ON THE BASIS OF THEIR WORKING STATUS

Statute or its description	Provisions and content of statute	Citation
Carrier of Migrant Farm Workers Act [1]		F.S.317.9931–317.9934
	A. Definition of "Migrant Farm Worker" as a person employed in the "planting, cultivation, or harvesting of agricultural crops who are not indigenous to . . . the locale where so employed" and definition of "Carrier" as any one who transports or arranges transportation of migrant farm workers	F.S.317.9931
	B. Extensive safety requirements enumerated	F.S.317.9932
	C. Inspection required periodically by the carrier	F.S.317.9933
	D. Not applicable to common carrier	F.S.317.9934
State Board of Health Regulation of Migrant Labor Camps		F.S.381.422–381.482
	A. Definition of "Migrant Labor Camp" as one or more structures used to house 15 or more seasonal workers, irrespective of rent	F.S.381.422
	B. License for camp required [1]	F.S.381.432
	C. Authority to issue regulations [1]	F.S.381.472
	D. Right of board members and inspectors to enter and inspect at reasonable times	F.S.381.482

III. MIGRANTS IN SOME WAY ARE INCLUDED WITHIN THE BOUNDARIES OF A STATUTE ON THE BASIS OF THEIR POVERTY STATUS

Statute or its description	Provisions and content of statute	Citation
State Board of Health Regulation of Midwifery.	A. Rule making functions granted to board	F.S.381.031(1)(g)(9)
State Welfare Laws		F.S. 409.01–409.446
	A. Aid to the Disabled	F.S. 409.40
	B. Aid to Families With Dependent Children	F.S. 409.18
	C. Aid to the Blind	F.S. 409.17
	D. Old Age Assistance	F.S. 409.16
	E. Acceptance of public assistance payments creates a debt enforceable at the death of the recipient.	F.S. 409.305
	F. Drugs made available to those on welfare	F.S. 409.44
	G. Medical assistance to the needy	F.S. 409.45
	H. State Agency to administer food stamps	F.S. 409.46
	I. County Aid for mother with dependent children and insufficient funds.	F.S. 414.01
	1. conditions for receipt of this aid:	
	a. child must live with mother	F.S. 414.03(1)
	b. mother must be sound morally, mentally, and physically to bring up the child.	F.S. 414.03(2)
	c. money must be necessary to save child from neglect.	F.S. 414.03(3)
	J. State Board fills rule making functions	F.S. 409.02(2)
Usuary Statutes		F.S. 687.01–687.11
	A. Standard Usuary Statute: [1]	
	1. any rate of interest greater than 10% per annum is illegal.	F.S. 687.02 & 687.03
	B. Small loan companies [1]	F.S. 516.01–516.30
	1. $600 loans and under, any rate of interest greater than 3% per month on first three hundred dollars, 2% per month on next three hundred dollars is illegal—no more than 10% per year after one year after expiration of the last installment.	F.S. 516.14
	2. license required	F.S. 516.05
	C. Discount consumer financing [1]	F.S. 519.01–519.19
	1. $600 amounts and under—maximum charges set up.	F.S. 519.08
	2. certificate required	F.S. 519.07
	D. Retail installment sales [1]	F.S.520.01–520.42
	1. Motor vehicles	F.S.520.01–520.13
	a. license required	F.S.520.03
	b. finance charge limitations	F.S.520.08
	2. Retail sales:	
	a. license required	F.S.520.32
	b. charges on installment contracts	F.S.520.34
	c. charges on revolving accounts	F.S.520.35

FLORIDA STATUTES

STATUTES AFFECTING MIGRANTS—Continued

IV. MIGRANTS IN SOME WAY ARE AFFECTED BY A STATUTE ON THE BASIS OF THEIR MIGRATORY STATUS

Statute or its description	Provisions and content of statute	Citation
Recruiting Laborers [1]	A. License, to recruit immigrants for labor out-of-state, required for each county in which one recruits, price per county $1,500.	F.S.205.331
Non-resident registration of car [1]	A. Required of non-residents who are gainfully employed in Florida.	F.S.320.37–38.
Non-resident licensed to drive [1]	A. Required of non-residents who are gainfully employed in Florida.	F.S.322.04(3), (4), (5)
Hotel and Restaurant Commission, License. [1].	A. License required for those who maintain public lodging and food service establishments.	F.S.509.241(1)(a)
	1. safety regulations	F.S.509.211
	2. sanitary regulations	F.S.509.221
Residency requirements of welfare.	A. Aid to the Disabled	F.S.409.40(3)
	B. Aid to the Blind	F.S.409.17(1)
	C. Aid to Families With Dependent Children	F.S.409.18(a)
	D. Old Age Assistance	F.S.409.16(2)
	E. County Aid to Poor Mothers:	
	1. County & state residence required	F.S.414.03(4)
Residency requirements of other Statutes.	A. Divorce—6 months prior to filing	F.S.61.021
	B. Jury duty—1 year	F.S.40.01(1)
	C. To vote—1 year in state, 6 months in county	F.S.97.041
	D. Candidate for office—must be a registered voter	F.S.99.021(1)(d)
	E. To adopt children—1 year	F.S.72.11

CRIMES, PENALTIES, AND FINES AFFECTING MIGRANTS

I. PENALTIES AND FINES FOR VIOLATION OF STATUTE CITED IN PREVIOUS SECTION UNDER FLORIDA LAW

Child Labor Laws	A. Maximum Penalty $500 and/or 6 months—a misdemeanor.	F.S. 450.141
Carriers of Migrant Workers Act	A. Maximum Penalty $100 or ten days—a misdemeanor	F.S. 317.701
State Board of Health License for Camp	A. Maximum Penalty $1,000 or 6 months—a misdemeanor	F.S. 381.411(1)
	B. Revocation of license for non-compliance with regulations	F.S. 381.462
Usury Statutes	A. Standard Usury Statute	F.S. 687.01–687.11
	1. forfeiture of interest	F.S. 687.04
	2. double interest if it has been collected	F.S. 687.04
	3. not applicable to bona fide transfer of negotiable paper	F.S. 687.04
	B. Small loan company statutes	F.S. 516.01–516.30
	1. maximum penalty $500 or 6 months—a misdemeanor	F.S. 516.19
	2. revocation of license	F.S. 516.07
	C. Discount Consumer Financing	F.S. 519.01–519.19
	1. maximum penalty 6 months and/or $1,000—a misdemeanor.	F.S. 519.06
	D. Retail Installment Sales	F.S. 520.01–520.42
	1. motor vehicles:	
	a. maximum penalty $500	F.S. 520.12(1)
	b. loss of interest	F.S. 520.12(2)
	2. installment contracts:	
	a. maximum penalty $500	F.S. 520.39(1)
	b. buyer can get a refund of delinquency charges for time price differential.	F.S. 520.39(2)
Recruiting Laborers	A. Maximum Penalty $3,000 or 6 months—a misdemeanor	F.S. 205.65
Non-resident car registration	Maximum Penalty, 3 months or $100	F.S. 320.57
Non-resident drivers license	A. Maximum Penalty, 6 months or $500	F.S. 322.29
Hotel and Restaurant Commission License for certain Establishments.	A. Failure to Apply—a misdemeanor	F.S. 509.241(4)
	B. Operation in violaton of rules—suspension or revocation of license for one year or maximum fine $500.	F.S.509.261
	C. Violation of Rules—$10 to $50 or 10 days to 90 days—a misdemeanor.	F.S.509.281

See footnote at end of table.

CRIMES, PENALTIES, AND FINES AFFECTING MIGRANTS—Continued

II. CRIMES AND THEIR PENALTIES AFFECTING MIGRANTS

Statute or its description	Provisions and content of statute	Citation
Vagrancy	A. Rogues, vagabonds, idle or dissolute persons, etc., are deemed to be vagrant.	F.S.856.02.
	B. Maximum Penalty $250 or 6 months—misdemeanor	F.S.856.03.
Drunkenness	A. Anywhere, from voluntary use	F.S.856.01.
	B. Maximum Penalty $25 or 3 months—a misdemeanor	F.S.856.01.
Desertion, Withholding support of Family.	A. Maximum Penalty $2,000 and/or two years—a felony	F.S.856.04.
Trespass after Warning	A. Willful entrance in a "labor camp"	F.S.821.01.
	B. Or staying in the vicinity of a "labor camp" and using profane or indecent language.	F.S.821.01.
	C. Maximum Penalty $100 or 6 months—a misdemeanor	F.S.821.01.
Obtaining Lodging with Intent to Defraud.	A. Maximum Penalty $100 or 3 months—a misdemeanor	F.S.509.151.
	B. Absconding without paying, sneaking out the baggage is prima facie evidence of fraudulent intent.	F.S.509.161.
Truancy	A. Parent who can't get child to go to school, maximum penalty $100 or 90 days—a misdemeanor	F.S.232.19(6)(a)
	B. Continued absence is prima facie evidence of truancy	F.S.232.19(6)(a)
	C. A truant child is treated by the juvenile court as a dependent, neglected, or delinquent child	F.S.232.19(6)(b)

III. PENALTIES, STATUTES AFFECTING MIGRANTS

Correction of Illegal Sentence	A. An illegal sentence may be changed to a legal sentence at any time during a five year period after passing of the original illegal sentence 1. this practice results in sentences which are illegal but which are abided by because of the threat of change to a legal sentence, such as "stay out of county for five years" sentences	F.S.775.14

FEDERAL STATUTES AFFECTING MIGRANTS

I. MIGRANTS ARE IN SOME WAY EXEMPTED FROM THE BENEFITS OF A STATUTE ON THE BASIS OF THEIR WORKING STATUS

National Labor Relations Act		29 U.S.C. § 141–188.
	A. "Employee" does not include any individual employed as an "agricultural laborer."	29 U.S.C. § 152(3).
Fair Labor Standards Act[1]		29 U.S.C. § 201–219.
	A. Provisions of § 206 (minimum wage) and § 207 (maximum hours) do not apply to "any employee employed in agriculture" by a farmer who did not use more than 500 man days in any calendar quarter or if the employee is employed as a "hand harvest labor" and paid piece rate and if piece rate is customary and if he commutes daily and is not employed for more than 13 weeks during the preceeding calendar year.	29 U.S.C. 213(a)(6).
	B. The provisions of § 207 do not apply to "any employee employed in agriculture."	29 U.S.C. 213(a)(12).
	C. Provisions of § 212 (child labor) do not apply to any employee working "outside of school hours."	29 U.S.C. 213(c)(1).
	1. except § 212 does apply to those minors under 16 employed in "an occupation . . . particularly hazardous for . . . children. . ."	29 U.S.C. § 213(c)(2).
Social Security Act		42 U.S.C. 301–1394
	A. Old Age and Disability Benefits do not apply to "service performed by foreign agricultural workers" admitted on a temporary basis or Mexican workers entered under 7 U.S.C. § 1461–§ 1468 (to assist agriculture)	42 U.S.C. 410(a)(1)
	B. Old Age and Disability Benefits do not apply to tenant farm workers	42 U.S.C 410(a)(16)
	C. Old Age and Disability Benefits do not apply to crew leaders unless a crew leader is designated as an employee of a farmer in a written instrument	42 U.S.C. 410(n)
	1. members of crew are deemed to be the employees of crewleader	42 U.S.C. 410(n)

I. MIGRANTS ARE IN SOME WAY EXEMPTED FROM THE BENEFITS OF A STATUTE ON THE BASIS OF THEIR WORKING STATUS—Continued

Statute or its description	Provisions and content of statute	Citation
Insurance Contributions Act		26 U.S.C. § 3101–3126
	A. "Wages" do not include cash for remuneration paid by an employer for agricultural labor unless the amount exceeds $150 yearly or unless the laborer has worked for 20 days for the employer in agriculture	26 U.S.C. § 3121(a)(8)(B
	1. rate of tax is determined by wages	26 U.S.C. § 3101(a)
	2. "agricultural labor" means labor including raising of crops and of animals and harvesting, operation and maintenance of farms, labor involving maple syrup and maple sugar and any other agricultural commodity as defined in the agricultural commodity act, and packaging incident to preservation or pre-market shipping.	26 U.S.C. § 3121(g)
	B. Crewleaders not deemed employees unless it is designated in writing	26 U.S.C. § 3121(o)
Unemployment Tax Act		26 U.S.C. § 3301–3309
	A. "Employment" does not include an "agricultural laborer"	26 U.S.C. § 3306(c)(1)
	1. "agricultural labor" is defined as in the insurance contributions act, supra	26 U.S.C. 3306(k)(1), (2), (3), (4)
Withholding Income Tax		26 U.S.C. § 3401–3404
	A. "Wages" do not include those paid for "agricultural labor" as defined in insurance contributions act, supra	26 U.S.C. § 3401(a)(2)

II. STATUTES INCLUDING MIGRANTS ON THE BASIS OF THEIR WORKING STATUS

Statute or its description	Provisions and content of statute	Citation
Farm Labor Contractor Registration Act[1]		7 U.S.C. § 2041–2053
	A. Contractor is a recruiter or transporter of 10 or more migrant workers across the state line.	7 U.S.C. § 2042(b)
	B. Necessity of a certificate of registration	7 U.S.C. § 2043
	C. Investigation before issuance of certificate	7 U.S.C. § 2044(a)
	D. Suspension or Revocation for failure to follow rules and regulations or for not performing agreement.	7 U.S.C. § 2044(b)
	E. Contractor shall tell migrant laborers	7 U.S.C. § 2045(b)
	1. where they are going	
	2. what crops they are picking	
	3. about housing and transportation	
	4. wage rates	
	5. charges by the contractor	

III. STATUTES INCLUDING MIGRANTS ON THE BASIS OF THEIR POVERTY STATUS

Specific inclusion of migrants within the statutes

Statute or its description	Provisions and content of statute	Citation
Low-rent Housing		42 U.S.C. § 1401–1436
	A. Federally-owned labor camps to be remodeled for use as low-rent housing.	42U.S.C. § 1412(f)
Migrant Health Act	A. Establishing family health service for domestic agricultural migratory workers.	42 U.S.C.242h
OEO Assistance	A. Program to assist migrants in housing, sanitation, education, and day care of children.	42 U.S.C. 2861
Education of Low Income Families.[1]		20 U.S.C. § 241a–241n
	A. Aid to State Program for migratory children	20 U.S.C. § 241c(1)
	B. Arrangements may be made with other public agencies or private non-profit organizations if the state is unable or unwilling.	20 U.S.C. § 241c(2)
Teacher Corps		20 U.S.C. § 1101–1112
	A. Teachers while teaching migrants are under control or supervision of the local educational agency which in this context means the local controlling agency whether public or private.	20 U.S.C. § 1107a

III. STATUTES INCLUDING MIGRANTS ON THE BASIS OF THEIR POVERTY STATUS—Continued

Inclusion within the bounds of the statute because of the migrant's poverty status

Statute or its description	Provisions and content of statute	Citation
Vocational Rehabilitation Program		29 U.S.C. §31-42
	A. For handicapped only, supporting the State's program and money.	29 U.S.C. § 31
Job Corps Program	A. Vocational training and education	42 U.S.C. 22713
Food Stamp Act		7 U.S.C. § 2011-2025
	A. For low-income families	7 U.S.C. § 2011
	B. States establish standards of "income determined to be a substantially limiting factor inthe attainment of nutritionally adequate diets".	7 U.S.C. § 2014
OEO Assistance	A. VISTA Volunteers and their assignemnt	42 U.S.C. § 2943
Surplus Commodity Food Distribution.		7 U.S.C. § 1431
	A. Regulations by Secretary of Agriculture, administered by the Federal Government for the State or a private agency "in the assistance of needy persons".	7 U.S.C. § 1431
Housing and Urban Development Act of 1968.	A. Self-Help Housing	42 U.S.C. § 1490(c)
Social Security Act		42 U.S.C. § 301-1394
	A. Grant to States for aid and services to needy families with children	42 U.S.C. § 601-609
	1. guidelines for state plans and approval of sec'y	42 U.S.C. § 602
	B. Grants to states for maternal and child welfare	42 U.S.C. § 701-729
	1. guidelines for state plans and approval of sec'y	42 U.S.C. § 703
	C. Grants to states for aid to the blind	42 U.S.C. § 1201-1206
	1. guidelines for state plans and approval of sec'y	42 U.S.C. § 1202
	D. Grants to states for aid to the permanently and totally disabled	42 U.S.C. § 1351 1355
	1. guidelines for state plans and approval of sec'y	42 U.S.C. § 1352
	E. Grants to states for aid to the aged, blind, or disabled	42 U.S C. § 1381 1385
	1. guidelines for state plans and approval of sec'y	42 U.S.C. § 1382

IV. STATUTES INCLUDING MIGRANTS AND THE BASIS OF THEIR MIGRATORY STATUS

Specific inclusion of migrants within the statute

Interstate Commerce Act Part Two [1]		49 U.S.C. § 301 327.
	A. Commission to establish regulations for carriers of migrant workers	49 U.S.C. § 304(3a).

V. STATUTES INVOLVING IMMIGRATION OF FOREIGN WORKERS

Immigration and Nationality Act [1]		8 U.S.C. § 1101-1503
	A. Documentary requirements	8 U.S.C. § 1181
	B. Quotas and requirements that there be no discrimination.	8 U.S.C. § 1152
	C. Entrance of foreign workers for temporary labor, when there are no unemployed citizens to do the work	8 U.S.C. § 1101(a)(15)(H)
	D. Attorney General, after consulting others, decides on the entrance of foreign workers	8 U.S.C. § 1184(c)
Mexican Agricultural Workers Act		7 U.S.C. § 1461-1468
	A. Secretary of Labor can recruit such laborers	7 U.S.C. § 1461(1)
	B. The Secretary must first certify that domestic workers willing and able to work, are not available to do the work.	7 U.S.C. § 1453
	C. Expired 1964	
Employment Restriction of Aliens	A. Employment Restriction of Aliens is not so harsh when the employment involves agriculture work.	7 U.S.C. § 435

CRIMES, PENALTIES, AND FINES AFFECTING MIGRANTS

I. PENALTIES AND FINES FOR VIOLATION OF STATUTES CITED IN PREVIOUS SECTION UNDER FEDERAL LAW

Fair Labor Standards Act		29 U.S.C. § 201-219
	A. Maximum penalty $10,000 for first offense; after one offence, maximum penalty $50,000 and/or 6 months.	29 U.S.C. § 216(a)
Farm Labor Contractor Registration Act		7 U.S.C.§2041 2053
	A. Maximum penalty $500	7 U.S.C.§204a
Education of Low Income Families		20 U.S.C.§241a-241f
	A. Withholding of funds for non-compliance with assurances in the application	20 U.S.C.§241j
Interstate Commerce Act Part Two		49 U.S.C.§301-327
	A. Violation of regulation for carrying migrants, penalty $100-$500 for first offense; subsequent offenses $200 $500	49 U.S.C.§322a
[1] Immigration & Nationality Act		8 U.S.C.§1101-1503
	A. Penalty-deportation	8 U.S.C.§1227

ADDENDUM TO FLORIDA STATUTES AFFECTING MIGRANTS

CRIMES, PENALTIES AND FINES AFFECTING MIGRANTS

I. PENALTIES AND FINES FOR NOTATION OF STATUTE CITED IN PREVIOUS SECTION UNDER FLORIDA LAW

Florida Pesticide Act		F.S. 487.011–487.14.
	A. Maximum Penalty $500 or 30 days—a misdemeanor; second offense, maximum penalty $1,000 or 60 days —a misdemeanor.	F.S. 487.091(3).

II. MIGRANTS IN SOME WAY ARE INCLUDED WITHIN THE BOUNDARIES OF STATUTES ON THE BASIS OF THEIR WORKING STATUS

Statute or its description	Provisions and content of statute	Citation
Florida Pesticide Act[1]		F.S. 487.011–487.14.
	A. Prohibitions on the sale of Pesticides	F.S. 487.031 as amended by Ch. 69–19 House Bill #304, First Regular Session 1969.
	B. Registration of Pesticides	F.S. 487.041.
	C. Pesticide technical committee	F.S. 487.061 as amended by Ch. 69–93 House Bill #300, First Regular Session 1969.
	D. Stop sale and stop use orders by commissioner	F.S. 487.101 as amended by Ch. 69–12 House Bill #299 Fisrt Regular Session 1969.

[1] Denotes a statute cited later in the section on Crimes, Penalties, and Fines Affecting Migrants.

APPENDIX B–1

PESTICIDES—NEWSPAPER CLIPPINGS

[From the Fort Myers (Fla.) News-Press, Nov. 29, 1967]

MEN WHO HANDLE PARATHION SAY IT'S SAFE, USED PROPERLY

(By Mary Farris)

IMMOKALEE—Parathion, a deadly insecticide, recently killed seven children in Arcadia, 34 people in Tijuana, Mexico, and 76 in Colombia, South America. How do people who work with the dread poison feel about it?

Crop dusters here don't mind it at all—or at least, not much. Parathion is used extensively here, as in all Florida agricultural areas, to control insects.

Andy Moore, a duster pilot, stopped just long enough to reload fertilizer he was spreading Monday. He stood by his plane, the motor nearly drowning out his voice, and talked to this reporter.

"It's fine," he said. "I've been putting it out for about 15 years, never had any trouble at all. Nothing wrong with it if it's handled right.

ANYTHING CAN KILL

"Anything can kill you." He motioned towards his plane. "If you walk into that propeller, it'll cut your head off."

Asked what precautions had to be taken, he said, "Don't spill it. Use rubber gloves, an apron and a respirator. We get it in concentrated form and dilute it. I use the four pound to the gallon stuff—feel it's not as much hazard for my ground crew. Nobody I've had work for me ever had any trouble. I make them go by the rules."

He said that he has a blood check every year, just to be on the safe side, but he has never had it show up in his blood stream.

"It's a product the farmer can hardly do without. Sure, it's poison. When you got to kill insects, you got to have poison. Water won't do it," he said.

STARVE OR PRODUCE

"If we want to be like the people of India and starve our people rather than use poison, we can quit using it. You can't possibly grow enough food in the United States to feed our own people without using pesticides. We have the technical knowhow. It would be better for one out of a million or two to get poisoned than to starve."

He said the containers in which it comes must either be destroyed or sold to a reclaiming outfit which will use the containers for more pesticide. On no account must a container be used for anything else.

"Like handling strychnine, if you know what you're doing it's no problem at all. If you don't know what you're doing, you shouldn't be handling it. People driving down the highway are being killed every day because they didn't know what they were doing," Moore said.

"It needs control, I'd go along with that. Make it so strictly controlled a trained operator has to handle it."

USE MALATHION

J.C. Sanders, a duster who has been using it since about 1950, says, "I don't care much for it. Makes me sick if I breathe it. If you take precautions it's alright. I wear rubber gloves up to my elbows and a respirator."

Art and George Kazmierczak, two brothers who are dusters, said parathion is not used as much as it once was. "There are a lot of new things out now," Art said. "There's Malathion—you can spray it over parks or cattle. It's not as dangerous to handle. They keep developing new stuff.

"The thing is, you have to read the instructions. Like those people who stored it next to flour and sugar in Tijuana. What's the matter with the idiots? Put it together, what do you expect? It's like putting a gun to your head and pulling the trigger.

"And in Colombia, when some got spilled on a sharp turn in a truck. It shouldn't have been on the same truck with food stuff. That's just asking for it."

"Lots of these people you can draw them a picture and they just don't understand," his brother George put in.

When asked about reports that sometimes workers have been sprayed in the field, he said, "I haven't heard of any in this area." Pesticides are spread early in the morning and late in the evening for better effect, he said. During the middle of the day they spread fertilizer "and you can eat that, and it won't hurt you."

MUST BE USED

"These things have to be used," George said. "I've seen worms so bad there there wouldn't be anything left to harvest if you didn't spray. But they should leave it to the professionals."

All dusters seemed to agree that in this area most of the parathion is spread at ground level by tractors pulling tanks, rather than by air.

According to medical books, parathion can kill whether swallowed, inhaled, or just touched. Men have died from parathion spilled on their skin and not promptly removed.

Scientists say 20 milligrams is a lethal dosage taken orally. That means that in one gallon of the eight pound to a gallon mixture there is enough poison to kill nearly 200,000 people—more people than there are in Charlotte, Lee and Collier Counties put together.

Once spread, it soon dissipates and crops are considered safe for harvesting in two weeks. The health department makes constant checks to be sure produce is safe.

[From the Miami Herald, Dec. 1, 1967]

U.S. WARNED OF PERIL OF MASS POISONINGS

ATLANTA, Ga.—A U.S. pesticide expert says it is a miracle that mass poisoning by an insecticide, similar to the poisoning of scores of persons in Colombia last week, has not occurred in this country.

"It could happen," says Dr. Samuel W. Simmons, chief of the U.S. Public Health Service's pesticides program at the Communicable Disease Center in Atlanta.

At least 75 men, women, and children in Chiquinquira, Colombia died last weekend after eating broad poisoned with parathion, a deadly insecticide whose effects are similar to nerve gas.

Another 86 Colombians are reported in critical condition despite antidotes rushed to Colombia from the U.S.

More than 50 state and local health officials are meeting with Simmons in a conference on the investigation of chemical poisonings such as those in Colombia.

Commenting on the possibility of similar deaths in the U.S., Simmons said there is little real regulation of the purchase or the transportation of pesticides.

"Take the loading of pesticides aboard ship, for instance. Ships are supposed never to load food with pesticides or poison. But the list of poisons is not kept up to date. A pesticide not on the list simply isn't considered poison," he said.

The deaths in Colombia, as well as poisonings in Mexico, Arcadia, Fla., and St. Louis, Mo., show the need for training state and local health officials in modern techniques of investigating chemical poisonings, Simmons said.

More than 400 persons are now employed by the U.S. Public Health Service in the pesticides program based in Atlanta.

[From the Fort Myers (Fla.) News-Press, Dec. 7, 1967]

DEADLY POISON IN STOLEN CAR

The Lee and Collier County Sheriff's Departments are searching for a station wagon stolen last Sunday on the Corkscrew Grade which holds some 25 to 30 gallons of deadly insecticide poison including parathion and malathion. The sprays, valued at $500, are in five-gallon cans.

Irving McGill of Immokalee, owner of the tan, 1954 Ford, reported the theft Tuesday morning. He said he had parked the car about four miles within the Lee County line on his rounds of hauling the poisonous sprays to various fields.

"The contents of these cans are dangerous," Investigator Robert Daubenspeck warned. "Even the cans, when rinsed out, are deadly—and if used in close quarters with any food or produce can cause death to anyone consuming the food."

The station wagon bears a 1967 license plate numbered 64–5451, Daubenspeck said. The car thief may or may not know what the cans contain, he said.

[From the St. Petersburg Times, Dec. 10, 1967]

MOM BUYS POISON TOO DEADLY FOR WAR

(By Robert Bowden)

Bradenton—"Pesticides are poisonous chemicals that are used to control bugs, weeds, plant diseases, mice and other pests."

That's the definition the U.S. Department of Agriculture places on the hundreds of deadly poisons now being used in insect and plant welfare. But they kill not only pests.

Parathion, one of the most potent of the organic phosphate pecticides, recently killed seven children in Arcadia, 76 people in Colombia, South America, and 34 people in Tijuana, Mexico.

In a survey released last week by the Department of Agriculture, there were 18 parathion accidents reported between 1963 and 1967. Nine persons were killed. In all, the suvey reported 62 United States' accidents involving pesticides.

Synethetic pesticides are, for the most part, post-1940 inventions. Many of them were developed to kill human enemies. Parathion, developed in 1949, was considered "too dangerous" for use in war.

Florida has no effective law controlling distribution of pesticides. The Agriculture survey shows they are very dangerous. Parathion accidents alone read like a five-handkerchief movie;

"Florida, girl, 5, and boy, 2. Children were apparently playing with quart-size spray gun containing parathion, left by parents on top of cabinet. The boy died and the girl recovered after treatment.

"Florida, boy 4. The boy and his two older brothers had been playing with empty 30-gallon drums near their home. The 4-year-old crawled into drum and others turned it upside down on him. The boy recovered after treatment with extremely large doses of atropine (the common antidote).

"Florida, boy 3. Father had purchased insecticide powder for controlling cockroaches. He hand-sprinkled the insecticide on floor of home. The child apparently ingested some powder while eating a piece of chicken. The chicken is thought to have been dropped on the floor prior to eating. The child died approximately one hour after ingestion.

"Minnesota, entire city population, mixture of malathion, DDT and parathion. City was conducting a mosquito control program. The intended materials for control were malathion and DDT. However, a five-gallon container of parathion had been mistakenly placed in the shipment and was not detected until completion of application. City officials were promptly notified of mistake at approximately 9:30 p.m. and, by 10 p.m., the residents were notified of the situation and instructed to evacuate. Some of the residents received a direct application of the pesticide. A woman and child were treated for possible effects from the pesticide application. No ill effects noted. It has not been determined how the can of parathion was inadvertently placed with the malathion. The containers for both were identical except for printed materials on labels."

In the survey, 65 per cent of the accident victims were under six years of age; 10.6 per cent were between 7 and 17 and 24.4 per cent were 18 or over.

Of the 62 accidents, parathion was involved in 32.2 per cent; arsenic in 16.1 per cent; diazion (used for flying insect control) in 11.3.

Pesticides account for 6 per cent of all the accdental poisoning of children. More children die from accidental poisoning than from rheumatic fever, polio, whooping cough diphtheria, strep throat and scarlet fever combined.

While Parathion is the chief and most widely publicized killer among the pesticides, it is by no means the most dangerous. The Agricultural Extension Service at the University of Florida has rated the pesticides by the amount of lethal dose required to kill a rat.

Parathion taken orally requires 13 milligrams per kilogram of body weight to kill a male. It takes 21 milligrams on the skin. Tepp, another organic phosphate poison, requires only 1 milligram orally and 2 milligrams on the skin.

Tepp is used in Manatee County and other Florida counties. No law prohibits its purchase by anyone, although no local dealer would sell it to a homeowner.

Malathion is often spoken of in the same breath with parathion but the two are not really in the same league of deadly pesticides. While parathion requires 13 milligrams, malathion requires 1,375 milligrams to kill. Malathion is considered a relatively safe pesticide for insect control.

Another group of synthetic pesticides are classified as chlorinated hydrocarbons. These include DDT, chlordane and lindane. It requires 113 milligrams of DDT to kill orally; 335 milligrams of chlordane; and 88 milligrams of lindane.

Using the figures for parathion, Manatee County Agricultural Agent Ted Gallo calculated it would take .031-ounce to kill a 170-pound man. A scientist's death was recorded, however, with .004-ounce.

Many of the poisons are used in everyday products brought home from the neighborhood grocery store by mothers. The flea powder used on the family dog, may contain up to 50 per cent malathion.

Hartz Cat Flea Powder contains rotenone, a pesticide with a lethal dose rate of 50 when taken orally. This makes rotenone only four times less powerful than parathion and much more deadly than malathion with a rate of 1,375.

Lead arsenate, for which no oral lethal dose rate has been determined, is the chief ingredient in Gator Roach Hives, a commonly used roach tablet. Arsenic compounds are used in several other products.

Dieldrin is another common household poison with a lethal dose rate of 46. Dieldrin is an ingredient in Raid and Real Kill. Dichlorvos, better known as DDVP, is also used in Real Kill, and has a lethal dose rate of 80.

DDT, the most common insecticide, is used in Real Kill, Shell No Pest Strip, Black Flag, and Raid. It has a lethal dose rate of 113.

A dog's flea collar uses DDT as the only ingredient.

A chemical more poisonous than malathion is common in moth killers and mildew control blocks. The blocks look like rock candy but have a lethal dose rate of 1,000. One solid block of paradichlorobenzene is advertised as a room freshener.

Pyrethrins, a chemical insecticide with a lethal dose rate of 1,500, is used in Fly Tox, Hot Shot, Raid, Black Flag and Gulf Spray.

"SILENT SPRING" BROUGHT FALL OF PROTEST

By Robert Bowden

BRADENTON.—"Silent Spring," a 1962 novel by Rachel Carson, was the first loud trumpet sounded against the onrushing application of pesticides.

Miss Carson's book attacked the use of pesticides and concluded that man was poisoning his environment, not only threatening the lives of wild animals but also all humanity.

"Silent Spring" cited the various deaths caused by pesticides and strongly hinted the poisons might be responsible for an increase in cancer among humans. Her book has been viciously attacked by chemical companies.

But the chemical companies failed to make an appreciable dent in public opinion, and Miss Carson's book brought about noticeable changes in federal handling of pesticides.

The most obvious change has been in the area of pesticide testing. Before "Silent Spring," pesticides were poured onto the market and over the land without tests or precautions.

Now it costs chemical companies from $1-million to $2-million to test each new pesticide. It takes an average of six years to pass the tests and market the finished product.

These costs indicate the size and power of the pesticide peddlers. Last year, American farmers spread $1-billion worth of pesticides over their lands.

In Manatee County, the use of pesticides is widespread, according to Ted Gallo, agricultural agent. Gallo favors their use in farming operations.

"Without pesticides," he said, "you'd be a lot thinner than you are and a lot of us wouldn't be here at all."

The above is a common argument among those favoring pesticide use. Aspirin, they say, kills more people each year than all pesticides combined.

Gallo will defend parathion, one of the most deadly pesticides. "It's cheap, leaves little or no residual and is effective," he concluded.

Nearly all pesticide accidents, proponents argue, are caused by misuse. The benefits outweigh the few accidental deaths, proponents conclude.

Opponents argue the benefits are temporary, an expediate route to mass disaster. Both sides have scientists to support their particular views.

The Institute of Food and Agricultural Sciences at the University of Florida said, "According to the United Nations, the single most important thing countries can do to increase food production is to expand their use of pesticides. Chemicals alone can mean the difference between starvation and survival for millions.

"Consumers benefit from the proper use of pesticides in two ways: They enjoy an abundant, wholesome food supply and at a reasonable cost. While most people in the world spend as much as 50 per cent of their take-home pay for food, we in the United States pay only about 18 per cent.

"If the American farmer of today followed the pest control methods of 1940, it has been estimated that each person in the nation would pay $80 more per year for food. Yields of crops jump 20 to 30 per cent when pesticides are used.

"This vital support of our farm economy is important. Florida agri-business, for example, is the state's largest industry. Without pesticides, our agricultural complex would be crippled."

Further support comes from the U.S. Department of Agriculture: "The department strongly supports the use of biological, cultural, mechanical and ecological pest control methods or nonpersistent and low toxicity pesticide whenever such means will do the job effectively and safely."

Opponents note the cautionary words in each statement of support and argue more protection is needed for the average homeowner and consumer.

Perhaps the most exhaustive study of pesticides was made by the President's Science Advisory Committee. headed by Sen. Abraham Ribicoff. The hearings lasted two years. At the conclusion, the committee reported: "The development and use of chemical pesticides has produced immeasurable benefits for mankind in general and American society in particular. Continued and expanded pest control will be necessary . . ."

Ribicoff himself said, "The committee concluded that no significant human health hazard exists today when the great benefits of disease control and food production are weighted against known hazards."

[From the St. Petersburg Times, Dec. 15, 1967]

IS THERE A COMPROMISE IN THE USE OF PESTICIDES?

(By Robert Bowden)

BRADENTON.—Pesticides have killed thousands of persons worldwide since their introduction in the early 1940s. But agricultural interests argue pesticides are necessary to maintain low food costs and efficient farm production.

Is there a compromise route between poisoning innocent people and bountiful crops?

Rachel Carson in her book "Silent Spring," thinks so. She thinks the compromise should be the use of biological controls instead of synthetic pesticides. Agricultural interests are unwilling to accept this compromise.

There are now more than 60,000 registered pesticides in the United States. New pesticides pour onto the market at a rate of more than 600 a year. They are tested by independent and governmental agencies before approval for use is given.

But Miss Carson notes that the testing does not include possible interactions among new chemicals and those applied in the past. Sometimes these interactions increase the toxicity of the poisons 100 times, she notes in her book.

Pesticides seem to be necessary. The U.S. Department of Agriculture reports that 15 per cent of all pesticides are sold for home and garden use. Homeowners used more than 50-million pounds of deadly poison last year to control everything form chinch bugs to crabgrass to cockroaches.

Most of the products were in aerosol cans. About 80-million "bug bombs" were sold in 1965. The cans may contain poisons deadly to children and pets.

The 800 different chemicals now used in the 60,000 pesticides have killed birds, fish, wildlife, and humans. But they are not always fatal. Those who support their continued use include Manatee County Agricultural Agent Ted Gallo.

Gallo recalled his experience with deadly parathion, an insecticide recently cited as the killer of seven children in Arcadia.

Gallo said about eight months ago, when he was agent in another Florida county, he and another worker were accidentally covered with parathion dust—a 5 per cent dilute mixture.

He said he was standing behind a crop dusting plane when the pilot started the engine. The propeller whirled a cloud of white dust onto Gallo and another man. After the plane took off, Gallo and the other man picked up a bag from which a large quantity of the white powder had been spilled.

The bag contained parathion and apparently had been spilled accidentally while loading the plane. Gallo said he immediately went home, removed his clothes and showered three times. He suffered no ill effects.

The same cannot be said for three children in Hillsborough County in 1961. The three fabricated a swing from a discarded burlap bag. The bag had contained parathion. The three died.

Garden shops in Manatee County have discontinued sale of parathion and won't purchase it even on special order. But it is available, along with even more deadly chemicals, at farm shops.

There is a light on the horizon concerning pesticide use. A survey of five major agricultural stores in Manatee County revealed that not one of them will sell parathion to a homeowner. Only two stores will sell it at all.

But, as has been stated before, there are many pesticides more deadly than the well-publicized parathion. Tepp, the most deadly pesticide now in widespread use, is used by several cabbage growers in Manatee County.

Chlordane is the favorite of homeowners to control ants.

Phosdrin, a poison twice as deadly as parathion, is widely used in the county on all varieties of vegetable crops.

From this survey, it would appear the stores selling pesticides have begun to police themselves. They have imposed sales restraints on themselves at the cost of sales to homeowners who might be accidentally poisoned by the stores' products.

[From the St. Petersburg Times, Dec. 17, 1967]

SOME INSECTS IMMUNE TO PESTICIDES—HOW ABOUT YOUR CHILD?

(By Robert Bowden)

The federal government imposes some restraints against pesticides and the manufacturers of the poisons. Labels must state what ingredients are in the poison and include an antidote for the poison.

The products are tested by several governmental agencies before being marketed. Rules adopted in 1966 require manufacturers to display more prominently warning statements. They also prohibit the use of unwarranted safety claims and require labels to carry the agriculture department registration number.

The agriculture department likes to point out that the accidental pesticide poisoning of children has decreased from 7.4 per cent in 1962 to 6.1 per cent in 1965.

They don't point with pride to the fact that 70 species of insects in the United States have developed resistance to pesticides. In all, close to 150 insects are now resistant to pesticides. So, new and more powerful poisons must be marketed every year.

The world population is booming and the food production is not keeping pace. Some scientists foresee eventual starvation for billions. Pesticide use, they argue, cannot possibly be discontinued with a pressing world famine approaching.

The arguments are indeed strong ones. The federal state and local governments all have concluded pesticides must be retained. It's the control that is lacking, critics say.

California has pioneered in this area. Its legislature has an injurious materials code, which includes parathion and 12 other chemicals. Before these chemicals can be used, a person must obtain a permit from the county agricultural agent.

In 1961, the Florida State Board of Health asked for authority to set up such a licensing program in this state. To date, all the legislature has done is require licensing of pest control operations, such as exterminators.

The legislation will probably come from the next session of the Florida Legislature. Rep. James Tillman of Sarasota has been researching the pesticide problem since the deaths of the seven Arcadia children.

Tillman said his preliminary investigation shows the need for control of the sale and use of the more deadly pesticides.

He is now gathering information on how the problem is handled in other states and has not yet reached any final conclusion on how the proposed legislation will be worded.

But his preliminary conclusion would require the purchaser of a deadly pesticide to register at the place of purchase. A registration number would be issued for the container involved, and the purchaser would then be responsible for the material's use and the disposal of the container.

Tillman said container disposal seems to be a prominent factor in pesticide accidents. By making the purchaser responsible for safe disposal, many accidents might be prevented, he said.

The U.S. Department of Agriculture survey of 62 pesticide accidents shows that 11 per cent of the accidents occurred from improper disposal of empty containers.

The main cause of accidents, 33 per cent of them, was failure to read or follow label instructions. Improper pesticide storage or security was responsible for 26 per cent of the accidents.

Pesticides placed in a different container caused 21 per cent of the accidents, and were the prime cause of accidents among children. Many accidents occurred when children drank the poisons from soft drink bottles.

Failure to wear protective clothing or devices was blamed for 16 per cent of the accidents. Another 13 per cent was caused by pesticides being spilled on the clothing or bodies of handlers.

Rain runoff from treated fields or storage areas caused 3 per cent of the accidents and drifting of spray material caused 2 per cent. Some of the above accidents involved more than one cause.

The headlines continue to enumerate the dead and injured. Agricultural interests continue to insist the pesticides are necessary. But at this time it seems almost certain that the Florida Legislature will step into the pesticide picture during the next session.

[From the Fort Myers (Fla.) News-Press, Dec. 14, 1967]

MOSQUITO FOGGING KILLS HONEYBEES APICULTURIST SAYS

Honeybees are killed by mosquito fogging, the University of Florida's bee experts have reported after studies in Lee County.

Apiculturist Frank Robinson told of findings in Lee County, and gave recommendations to the Lee County beekeepers and the mosquito control district in preventing bee kills.

But the net result for the large-volume beekeepers has been knowing what is killing the bees, Fred Lesser, entomologist for the mosquito control district, said.

"The 'little' bee keeper is all right," he said. "He can cover his hives. But the 'big' beekeepers say they can't do it." Their hives are too extensive to move and too many to cover, Lesser said.

"We call them and tell them we are going to fog. They smile and say thank you," he said. The beekeepers' decision is to sustain losses, he said.

The research showed that bees can be killed by most mosquito fogs if in flight when caught in the fog.

"It's not that the insecticides are so dangerous," said Robinson, "it's just that bees are so sensitive to them."

The two methods for protection were movement of hives from residential areas, where fogging takes place, or to cover them on days when there is to be fogging. The hive would be covered in the early morning before bees become active, and opened right after fogging.

Honey is a $5 million industry in the state, and bees are imperative for some $25 million in crops that require them to pollinate and fruit, the extension service said.

The checks were carried out in Lee County last summer, in cooperation with the mosquito control district. Beekeepers long had been complaining that the fog was killing bees.

Robinson cautioned that mosquito control units are not the only users of insecticide fogs and dusts. The dusts are more dangerous to bees because they drift further, Robinson said. Farmers use fogs and dusts in fields and groves.

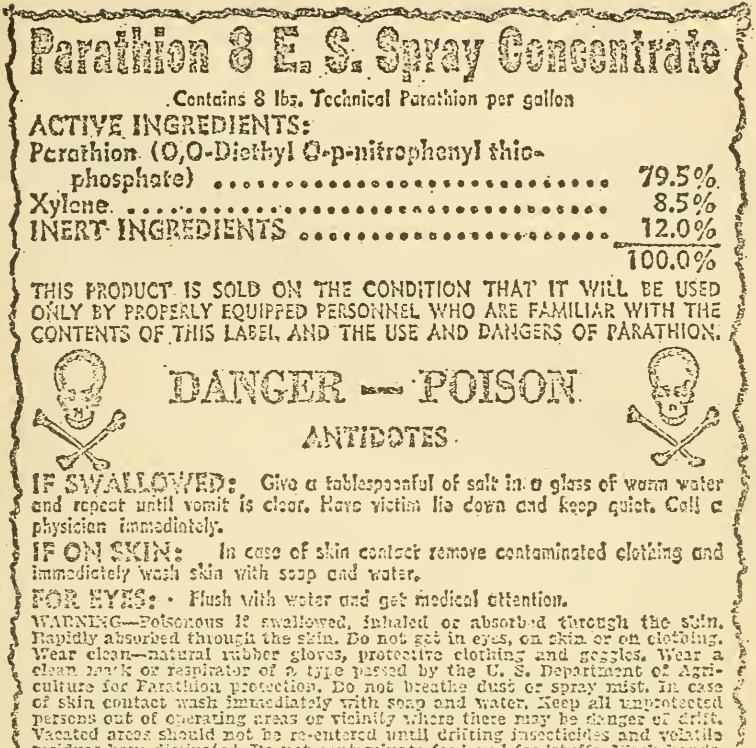
[From the Fort Myers (Fla.) News-Press, Dec. 31, 1967]

IMMOKALEE FARM WORKER IS DEAD

NAPLES.—Roosevelt McSwain, an Immokalee farm worker, was pronounced dead on arrival at Naples Hospital Saturday and Coroner George Atkinson said the man's death apparently was caused by undetermined natural causes.

Atkinson said medical evidence discounted first reports the 20-year-old man might have died from poisonous agricultural spray residues on his hands.

Atkinson said it was learned the cucumber field where McSwain worked had not been sprayed since Dec. 8, and that rains since then would have washed away all or most of any residues on the plants.



Parathion 8 E. S. Spray Concentrate

Contains 8 lbs. Technical Parathion per gallon

ACTIVE INGREDIENTS:

Parathion (O,O-Diethyl O-p-nitrophenyl thiophosphate)	79.5%
Xylene	8.5%
INERT INGREDIENTS	12.0%
	100.0%

THIS PRODUCT IS SOLD ON THE CONDITION THAT IT WILL BE USED ONLY BY PROPERLY EQUIPPED PERSONNEL WHO ARE FAMILIAR WITH THE CONTENTS OF THIS LABEL AND THE USE AND DANGERS OF PARATHION.

DANGER — POISON

ANTIDOTES

IF SWALLOWED: Give a tablespoonful of salt in a glass of warm water and repeat until vomit is clear. Have victim lie down and keep quiet. Call a physician immediately.

IF ON SKIN: In case of skin contact remove contaminated clothing and immediately wash skin with soap and water.

FOR EYES: • Flush with water and get medical attention.

WARNING—Poisonous if swallowed, inhaled or absorbed through the skin. Rapidly absorbed through the skin. Do not get in eyes, on skin or on clothing. Wear clean—natural rubber gloves, protective clothing and goggles. Wear a clean mask or respirator of a type passed by the U. S. Department of Agriculture for Parathion protection. Do not breathe dust or spray mist. In case of skin contact wash immediately with soap and water. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be re-entered until drifting insecticides and volatile residues have dissipated. Do not contaminate feed and foodstuffs. Wash hands, arms and face thoroughly with soap and water after using and before eating and smoking. Wash all contaminated clothing, including gloves, goggles, and washable parts of mask or respirator, with soap and hot water before re-use. Repeated inhalation or skin contact may, without symptoms, progressively increase susceptibility to parathion. If you suspect excessive exposure see a doctor.

KEEP OUT OF REACH OF CHILDREN

Do not allow Parathion to drift to areas where it might injure people or animals or contaminate food, feed, forage, or water sources.
This product is toxic to fish and wildlife. Keep out of lakes, ponds, and streams. Do not apply to any area not specified on the label.

PHYSICIAN'S NOTE: Warning symptoms include weakness, headaches, tightness in the chest, blurred vision, non-reactive pin-point pupils, salivation, sweating, nausea, vomiting, diarrhea and abdominal cramps. Treatment: Give atropine, preferably by injection, grains 1/100 two or three tables at once and parenterally or orally every hour as required up to 30 tablets or until pupils dilate. Never give morphine. Clear chest by postural drainage. Artificial respiration and/or oxygen administration may be necessary. Observe patient continuously 48 hours. Repeated exposure to cholinesterase inhibitors may, without warning, cause prolonged susceptibility to very small doses of any cholinesterase inhibitor. Allow no further exposure until time for cholinesterase regeneration has been allowed as determined by blood test. FOR ADDITIONAL TREATMENT INFORMATION: Contact U. S. Public Health Service, Poison Control Center, Savannah, Ga.

Label From Pesticide Containing Parathion

[From the Fort Myers (Fla.) News-Press, Feb. 3, 1968]

MAN WALKS THROUGH PARATHION SPRAY TO SEE IF IT'S DEADLY

(By Mary Farris)

MIAMI.—Scientific curiosity about the dangers of parathion, a deadly insecticide which has killed several people in the last few months, recently lead one man to walk through the drift of parathion spray while another man followed to see if the parathion induced illness.

"We had lawn spraymen getting sick," said Dr. John Davies, director of the community studies on pesticides. "We wanted to find out more about it."

Spraying with parathion has since been outlawed inside the Miami city limits.

John Welke, industrial hygienist with the same program, was the man being sprayed. He plays down his part in what was surely one of the bravest experiments of recent times. Inhalation of parathion can kill you.

"I exposed myself to the drift from the spray," Welke said. "During the day I followed the lawn sprayman around from job to job. But I knew there was no danger—I watched the sprayman make the mixture, to be sure it was the right strength, not above the proper level."

Dr. Davies went with him as a scientific observer. If anything had gone wrong, Welke would have had prompt medical attention.

At the end of the day, Welke was still healthy, but Dr. Davies warns against forming any wrong conclusions because of this.

"This does not mean you can't get sick," Dr. Davies said. "You can. At the same time, we had lawn spraymen who were getting sick."

He explained that some people are more susceptible than others, and that also the lawn spraymen were subject to constant exposure, day in and day out, so that in spite of protective covering the insecticide built up in their bodies.

Dr. Davies, who came from Wales ten years ago, looks like the Hollywood version of a British school teacher. He peeks over his glasses, which are half way down his nose and always a little awry, and speaks with a British accent.

He heads the Dade County branch of the pesticide study program, which is funded by the federal government. Many highly trained technical men and assistants are on his staff. The program is doing research on the acute and chronic affects of pesticides and is being carried on in 16 different states.

Dr. Davies is also on the committee to make recommendations for proposed legislation to control the use of pesticides. "I think it is very difficult to give a blanket recommendation on desirable legislation," he said.

"We need objectivity. Pesticides are necessary. This area was complete uninhabitable not so long ago. Malaria and yellow fever, dengue fever, encephalitis—all of these are examples of diseases spread by pests, in the past rendering certain areas of the world uninhabitable."

He also said that with the population explosion, the world cannot afford to endanger the food supply and pesticides are necessary for that end.

"My responsibility is to investigate the health effects of pesticides on man," he stated. "We are trying to find out what is fact." He said the worst danger is for the wrong material to fall into the hands of untrained persons.

One big problem is the introduction of parathion into urban areas, Dr. Davies said. "Most commonly the father brings it back from the fields, or a peddler sells it. Then we have to chase him like chasing a typhoid carrier."

Children are thus exposed to the powder, he said, often causing sickness and sometimes death. "Only last week, a family bought some second-hand furniture. Parathion was in the drawer, and a child became sick."

There are several pesticides research programs being carried on in Florida. In addition to the community study program, there is a pesticides research laboratory on the south campus of the University of Miami in Perrine. It also is federally funded.

The laboratory is making studies on the acute and chronic toxicity of pesticides to mammals. Special investigations are in progress with squirrel and rhesus monkeys. They are doing research on biological changes induced by pesticides.

A study in pesticides in water supplies is being carried on by the Geological Survey, with the cooperation of the Army Corps of Engineers, Central and Southern Florida Flood Control District, the National Park Service, the Fish and Game Commission and the Agricultural Research Service.

"Within the next few years, a lot of information will be coming out of this program," said Aaron Higer of the Geological Survey team. "Getting the research program set up and collecting data takes time. Then we can see what's happening."

He said the researchers are trying to summarize the situation so that they can analyze it three or four times a year and see any changes. "So far, we have found just traces of pesticides in ground water," he said, indicating that at present it was not enough to be dangerous.

"There are one or two small areas, such as Lake Apopka, where reports of the Game and Fish Commission show high values and possible fish kills.

"We are hoping to institute a program of education for these people using this material," Higer said. "Maybe a permit will be necessary. We are not a legislative body. All we can do is make suggestions."

[From the Fort Myers (Fla.) News-Press, Apr. 19, 1968]

LITTLE BOY'S DEATH BLAMED ON POISON

Poison, believed to be parathion, a deadly insecticide, caused the death Thursday of Jimmie Lewis Johnson, 2, and serious illness of his cousin, Janett McCane, also 2.

They were stricken shortly after 3 p.m. while playing with three other children in the back yard of Mrs. Fanny Strickland of 2131 Davis St., who takes care of the children while their mothers work.

The boy was dead on arrival at Lee Memorial Hospital. The girl, however, responded well to a new drug given intravenously which is effective against parathion poisoning when administered in time. She was reported in fair condition later.

Dr. Thomas M. Wiley Jr., said both children were foaming at the mouth, a symptom of parathion poisoning, and the girl exhibited other symptoms of the poison in her breathing, heart rate and physical reactions.

Dr. Wiley ordered blood tests made and advised authorities to check the yard for parathion. Sheriff's investigator Tony DeLacey said no source of the poison was found there immediately but he and investigator Bill Jones were continuing their inquiry.

Mrs. Strickland could not explain the poisoning but doubted it could have come from food. She said she had fed all five children the same meal at 11:30 a.m. and the other three showed no signs of illness when checked at the hospital.

Mrs. Strickland first became aware of something wrong when Jimmie came into the house coughing and choking. Alarmed, she had her neighbor, Mrs. Alberta Davis, drive her and Jimmie to the hospital. Upon her return home she found Janett ill and had Mrs. Davis take her and the girl to the hospital.

Jimmie was the son of Mrs. Diane Walters. Janett is the daughter of Mrs. Erthine McCane. Both live at 2275 Highland Ave.

Parathion poisoning caused the death of seven children of James Richardson of Arcadia last October. He is to go on trial in Fort Myers May 27 on a charge of first degree murder. Authorities said there was no indication of foul play in the poisoning here and that it apparently was accidental.

PARATHION POISONS LITTLE BOY, THREE OTHERS TREATED

MIAMI.—A 16-month old child died of parathion poisoning and three other children were treated after swallowing garden pesticides over the weekend, the conclusion of Dade County's observance of Poison Prevention Week.

Dr. John Davies, of the community pesticide Project, said blood tests showed that Darren Lawton, who died at Jackson Memorial Hospital, had swallowed parathion.

He said it was assumed that Darren's sister, Brenda, 2, swallowed the same pesticide Friday and was discharged after treatment. A third Lawton child was examined but not admitted.

Tracy Gibbs, and Jeff Barton, both 3, were treated and dismissed at Baptist Hospital, Dr. Davies reported. Both children had swallowed tick and flea insecticide.

The Lawton family had recently moved into a house adjacent to a nursery and the children apparently picked up the poison from a shed, Dr. Davies said.

[From the Fort Meyers (Fla.) News-Press, Apr. 28, 1968]

POISONING BLAMED IN DEATH OF BOYS

Organic phosphate poisoning caused the death of Jimmie Lewis Johnson, 2, Thursday, an autopsy at Lee Memorial Hospital performed by Dr. Heinrich O. E. Schmid revealed Friday.

The boy died and his cousin, Janett McCane, also 2, became seriously ill shortly after 3 p.m. The stricken children were playing with three other children in the back yard of Mrs. Fanny Strickland of 2131 Davis St., who takes care of the children while their parents work.

The condition of Janett McCane has improved and she was in satisfactory condition Friday.

Dr. Schmid, who performed the autopsy at 6 p.m. Thursday, said organic phosphate is a family of chemicals used in insecticides. He said the family includes parathion, malathion and a number of other substances.

The specific substance which killed the boy has not yet been identified. Dr. Schmid said he was waiting for new equipment to arrive at the hospital next week before he attempted a definitive identification of the substance.

Sheriff's Investigator Tony DeLacey said he is investigating two possible sources of the poison.

The first possibility is the children could have gotten into a can of roach spray or other insecticides in Mrs. Strickland's home, DeLacey said.

The second possibility is the two children could have gotten the poison from the clothes of farm workers on the bus they ride to Mrs. Strickland's house.

The parents of the children live at 2275 Highland Ave. Jimmie was the son of Mrs. Diane Walters and Janett is the daughter of Mrs. Erthine McCane. Each morning when the parents took the bus carrying farm laborers out into the countryside, the two children would ride with them as far as Mrs. Strickland's house.

DeLacey pointed out Jimmie Johnson and Janett McCane were the only two of five children under Mrs. Strickland's care and they were the only two poisoned. However, seven or eight hours had passed between the bus ride and the illness of the children, DeLacey said.

The sheriff's office will continue its investigation into the poisoning DeLacey said.

[From the Fort Myers (Fla.) News-Press, Apr. 24, 1968]

ORGANIC PHOSPHATE POISONS POSE DEADLY THREAT TO KIDS, FIELD HANDS

(By Mary Farris)

The combination of organic phosphate poisons and children is deadly, according to doctors.

This was dramatized last Thursday by the tragic death of Jimmie Lewis Johnson, 2, of Fort Myers, by organic phosphate poisoning.

These powerful new poisons were developed in World War II, and are akin to the deadly nerve gases. They are used in agriculture to control insects and other pests. Parathion is the most common and best known of the organic phosphates.

"For all practical purposes," says Dr. Joseph Davis, Dade County medical examiner, "a small toddler who begins to cry, staggers, collapses and has seizures on the way to, or arrival at the hospital, should be considered to be a case of parathion poisoning, until proved otherwise."

Dr. Davis made a study of 89 cases of organic phosphate poisoning during a two-year period in Dade County. Nearly half, 43 of the cases, were children.

He discovered that the Negro child was found to be especially vulnerable, due to the large number of Negroes employed as field hands where the insecticides are used. Of the 43 cases studied, 40 involved Negro infants with an average age of two and a half years. Three boys were poisoned for every girl, a ratio which probably reflects the aggressiveness of the male.

How do such deadly poisons get within reach of small children? At first this would seem a hard question to answer, since most companies handling the organic phosphates refuse to sell to anybody but the growers who they know will put it to agricultural use.

In addition, all containers are clearly labeled that they are not for use around the home.

But sometimes the field workers bring it home, unaware how deadly it is.

"The applicators will steal the material," says John A. Mulrennan, director of the Bureau of Entomology with the Florida State Board of Health. "It is carried to their living quarters for roach control, and here is where the problem starts as far as deaths are concerned with small children."

Often the thief will peddle the poison from door to door as roach or rat killer.

"Most commonly the father brings it back from the fields, or a peddler sells it," says Dr. John Davies, director of the Miami branch of the federal project, Community Studies on Pesticides.

"Then we have to trace him like tracing a typhoid carrier.

Dr. Davies added that a family had bought some second-hand furniture in a recent case. There was parathion powder in the drawer, and a child became sick.

Another child ate a chicken leg that had fallen on a floor treated with parathion sold by a peddler. The child died.

In Manatee County, a small girl took a bite out of an orange her father brought home from the grove where he worked. She took a few steps, went into convulsions and died.

The unbelievable deadliness of organic phosphates makes even a small amount a fatal dosage. According to hospital emergency room cards, 20 milligrams of parathion is a lethal dosage. That means, that a pound of pure parathion, if divided into dosages, could kill 27,500 people.

Yet parathion is not the most deadly of organic phosphates. It is better known because it is more widely used, but five others have even lower lethal dosages.

According to the Clinical Handbook on Economic Poisons, put out by the U.S. Department of Health, Education and Welfare, the most deadly of the organic phosphates is TEPP. Next come phorate, phosdrin, demeton, and di-syston, with guthion tying for sixth place with parathion. All are used in agriculture.

The organic phosphates dissipate fairly rapidly, however, after days or weeks. The board of health has set safety standards so that crops may not be harvested until a safe period of time has elapsed.

The organic phosphates, which dissipate, differ from the chlorinated hydrocarbons such as DDT, which never dissipate but accumulate in the life chain. While they are active, however, the organic phosphates are far more dangerous.

They can kill by ingestion, inhalation or even touch. Workers have died from spilling it on their skin and not removing it promptly.

"If you spill the organic phosphates on the skin, it of itself is not an irritant," says Dr. Davies. "You would not be aware of it until commencement of symptoms."

Typical case progression would be headache, dizziness, nausea, convulsions and frothing at the mouth. Quite often organic phosphate poisoning symptoms resemble epileptic fits.

The fact that the poisons do not have to be swallowed or inhaled to be deadly is one of their frightening aspects.

A strange epidemic struck eight-year-old boys in Fresno, Calif., in the fall of 1961.

It was only after several wrong diagnoses and tests that they were discovered to be ill with organic phosphate poisoning. This was unsuspected, primarily because the boys had no known contact with the poisons.

Much detective work and careful analysis of cases finally traced the blame to a shipment of blue jeans. The organic phosphate, phosdrin, had been transported in the same truck and the container had leaked.

Even though the jeans had been stored in a warehouse eight months, and only slight brown stains around the seams could be detected, there was still enough poison in the jeans to make six small boys deathly ill just by wearing them.

The amount of phosdrin involved was one and one-eighth gallon. According to the journal of the American Medical Association, this was enough poison to kill 9,000 eight-year-old boys.

In Tampa, a father brought home an empty burlap sack that had been contaminated with parathion. He tied it to a tree for his children to swing on.

The children were delighted. They laughed and sang and played. And then they died.

Dr. Donald V. Eitzman and Dr. Sorrell L. Wolfson conducted a study of 30 parathion deaths in children in Florida over a six year period. They state that often parathion was not even suspected at the time of death.

The average age of the children was 2.9 years. Five were white, 25 were nonwhite. In 16 of the 30 deaths, the poison had been swallowed. The other 14 had been fatally poisoned by skin contact or inhalation.

To prevent such tragedies, poisons recommended for agricultural use only should never be used around the house or yard. Roach or rat poisons should never be bought from peddlers. Poisons should never be placed in other containers.

[From the Fort Myers (Fla.) News-Press, Apr. 25, 1968]

NUCLEAR WEAPONS—FOR $69.60, YOU CAN KILL NEARLY A MILLION PEOPLE

(By Mary Farris)

Fantastically expensive nuclear weapons are supposed to be the most deadly devices ever invented by man—yet for $69.60, any farmer can purchase enough poison to kill nearly a million people.

The organic phosphates, akin to the deadly nerve gases developed in World War II, are used in agriculture for pest control. They are acknowledged to be necessary to protect and assure our food supply. Yet their misuse has killed many people.

The stuff of real horror gripped the 6,000 people of Arcadia the night of Dec. 23, 1964. They awoke at 2 a.m. to hear loud speaker trucks rolling up and down the streets.

PARATHION IN RIVER?

"Do not drink the water," the speakers were saying. "Repeat, do not drink any water from city taps. Parathion bags have been found in the river. Do not drink any water until further notice."

At that time Arcadia drew its water supply from the Peace River.

It is no wonder the people of Arcadia stared in the mirror and took their own pulse while waiting for the dawn. The spigots in their own houses were like the mouths of angry rattlesnakes ready to drip venom.

The parathion had gotten into the river when a grove owner, John Parker, told employee Jimmy Mariott to clean out an old shed and 240 pounds of 15 per cent parathion were thrown over the bank of Peace River.

This parathion, which according to the 1968–69 Kilgore catalog costs $1.45 for five pounds, a total of $69.60 for the 240 pounds, was enough to kill nearly a million people, since according to the poison card file in the Medical Center Hospital emergency room, 20 milligrams is a lethal dose.

WILD LUCK HELPED

Probably all that saved the people of Arcadia from becoming a horror classic was that, by wildest luck, the parathion was dumped across the river from the city's intake pipe, instead of on the same side. After a night of chills, Arcadia went back to a system of old wells and never drew water from the river again.

The condition which might have made a ghost town of Arcadia is not unique. The use of parathion and other deadly insecticides is widespread throughout Florida and the rest of the United States. According to the report of Dr. John Davies of the community pesticide study, in Dade County alone there are 281,000 pounds of parathion used in one year. Other organic phosphates are used as well.

The Manatee County reservoir is surrounded by groves. In many places the groves actually slope down and border on the reservoir. According to a report made to the Florida Pollution Control Association, about 27,000 pounds of pesticides are used in these groves which drain into the reservoir every year.

TESTING PROGRAM

A testing program was set up and five stations collected water samples. The water samples were negative during dry weather. During wet weather samples contained sometimes as much as five parts per 1,000 of lindane and 64 parts per 1,000 of chlorobenzilate, carried down in runoff from the groves.

The water is tested regularly by the U.S. Geological Survey to be sure the amount of pesticides in the water does not pass the allowable safe tolerance. However, the samples must be sent to Atlanta for analyses, so a time-lag is involved.

Differences in concentration occur, even in samples taken at the same time. "Do you know a chemist in a laboratory can't run tests on samples and get the same result twice?" asks Ralph Baker Jr., director of the Division of Waste Water with the State Board of Health.

"The agricultural interests in the nation pollute more of the nation's waters than all of the sewage plants," Baker said.

The thought of what a careless operator spraying the groves around the reservoir could do to the water is horrifying.

POSSIBILITY OF ACCIDENT

"There is always the possibility of an accident happening," says Aaron Higer of the Geological Survey. "We can't monitor it 24 hours a day."

And the Manatee County reservoir is not alone.

"There are some seven or eight principal surface sources of public water supplies, the watershed of which have agricultural lands where pesticides may be used from time to time," states J. B. Miller, director of the Division of Water Supply with the State Board of Health. "With a more comprehensive survey, it is possible additional similar areas may be noted.

"Where accidental pesticides spillage into water supply can occur, of course there is hazard to the water consumers involved. The degree of hazard would vary with many factors, including size of supply, and lack of treatment, or scope of water treatment where the facilities are provided, and type of pesticides material as to toxicity."

MINUTE QUANTITIES

Water supplies are condemned or quarantined only when the amount of pesticides contained go above a certain level. There are pesticides in minute quantities in most of the water in the state.

"So far as we know," Miller added, "the physiological or toxilogical relationships of minute traces of pesticides in drinking water to the consuming human has not been fully determined."

Pesticides have been found, even in ground water, said Higer of the Geological Survey. "So far, just a trace," he says. "We're trying to summarize what there is at present, so that we can monitor the situation three or four times a year."

The carelessness of some of the people who handle the poisons is almost beyond belief. "There are some things—like farmers throwing empty cans in the canal—that happens occasionally," Higer says.

STORIES CONFLICT

Mariott, the employee who threw the parathion into Peace River, said, "Mr. Parker told me to throw it in the river. I told him it might kill all the fish. Mr. Parker told me it wouldn't hurt them."

Parker denied it, saying he told Mariott to dump the sacks into a gully or ravine, places where they could have done no harm to anyone."

[From the Fort Myers (Fla.) News-Press, Apr. 26, 1968]

DANGER OF POISONS LIES WITH HANDLERS

(By Mary Farris)

How necessary are deadly insecticides?

"As necessary as eating," says Jack Cornelius, grower in Florida City. "It would be an impossibility to feed the people in the United States without it. Ninety per cent of the growers would quit farming the day a law was passed prohibiting its use."

All too often, however, the men who handle the deadly insecticides in the fields are abysmally ignorant. They seldom know exactly how dangerous they are.

Bill Johnson, state director of the Community Action Fund and holder of a degree in chemistry, sprayed by hand with a dust gun when he was a child for $1.25 a day.

"I was big time," Johnson says. "I was making 25 cents a day more than the other guys." He would wet a handkerchief and tie it over his nose for protection.

When he was 13 or 14, Johnson remembers, he was promoted to driving a spray rig, and given another raise to $1.50 a day.

"Were you scared?" he was asked.

"I didn't know enough to be scared," Johnson said. "We knew to try to keep it as far from us as we could, but we didn't know why. Then I got a degree in chemistry, and wow! What a shock when I found out."

Johnson said he worked in the fields every summer, all the way through high school and college.

Lloyd Thomas of Punta Gorda is a member of the city minority housing group, and he studies city affairs and keeps up with events in the newspapers.

Yet Thomas used parathion in New York State for two years without ever knowing how deadly it is. "The company gave me precautions," he said. "We used coveralls, grease on our exposed parts, rubber gloves, face masks and goggles. They made you use these things.

"But I didn't see why it should scare me. Until those kids got killed I didn't know it was as bad as it was. If I'd of known that, I'd of never sprayed it. But since I did, and I'm all right, if I had a job working with it now I'd work with it right on.

"We had to change every day, take off coveralls before we'd go home. Since those kids got killed I wouldn't work for a company that didn't take all those precautions.

"But I'd just as soon spray parathion as anything else. I don't believe parathion is as bad as it's put up to be. It might be. I don't think it's as bad as they say it is."

But though Johnson and Thomas were ill-informed about the deadly insecticides, both would have been better able to learn about it than most of the spraymen, who are often illiterate.

"Many of the spraymen can't read," said Dr. John Davies of the Community Studies on Pesticides. "The emphasis is placed on 'read the label,' which is fine, provided you can read."

"Well educated?" asked J. Abney Cox, potato grower in Princeton. "No, they're not. Well educated as far as the spray material is concerned, I haven't had anybody hurt—knock on wood.

"Not that it isn't perfectly safe. The people who know how to use parathion are not afraid of it. The problem is, leaving it out where inexperienced people can get it. I keep it locked up."

"I won't use it," says Ralph Bond, flower grower on the Pine Island Road, when asked about parathion. "I use other things. I won't use it because nobody knows how to handle it.

"You give them goggles, mask, gloves. I bet you nine times out of ten I walk out in the field and the man hasn't even got a mask on his face. They say it's too hot. Just as soon as your back's turned, or you go to another part of the field . . ." He shook his head. "It's the labor we have to use." He tapped the pipes behind him. "You might as well talk to that—"

The stuff he does use, however, almost killed him. "I had cramps a few hours after breakfast. Went to the hospital. Had a built-up concentration of Dibrom and didn't even know it. Like to died."

[From the Fort Myers (Fla.) News-Press, Apr. 28, 1968]

Spraymen Warned In Use of Poison

(By Mary Farris)

"If you didn't use insecticides, there are times you might lose 50 per cent of your crop," Herman Walker, a grower at Perrine, declares.

The organic phosphates are so deadly, however, that all manuals say operators should wear goggles, face masks and gloves, and cover all exposed parts with some protection.

What kind of instruction is given the men handling organic phosphates? "The spraymen are furnished gloves and goggles, and educated by the supervisor on how to handle it," Walker said.

"I am of the opinion that in all large agricultural pesticide control operations, that the applicators are well instructed in the safety and use of pesticides," said John A. Mulrennan, director of the Bureau of Entomology with the Florida State Board of Health.

"That does not always mean that the person so instructed and so supervised will always carry out the instructions.

Johnny Tucker, salesman with Miller Chemical and Fertilizer Corp. often is called upon to give instructions to the men who will have to work with it.

"They're usually itinerant, uneducated," he said. "I tell them it's just exactly like playing with a rattlesnake. If you treat it right, it won't bother you. If you mistreat it, it'll kill you. They can understand a rattlesnake. That's the way I explain it to them.

LIKED TO SHOW OFF

"An operator died, a year or so ago, the east side of Fort Myers. It was the operator's own fault. Some people like to show off, pretend like nothing bothers them. He spilled some on his T-shirt, and didn't wash it off. It killed him."

Tucker, too, has been in the hospital with organic phosphate poisoning. "I was in there eight days. Come that close to dying. I can tell you, it's horrible.

"I was in the field inspecting watermelons. I didn't know it, but the farmer had sprayed with parathion two days before. Ordinarily I wouldn't be doing that. I'm smarter than that, really. But I didn't know.

"When I got to the hospital I didn't know who I was. I drove from Fort Myers to Wauchula and don't even remember the trip."

PICK THE SPRAYMEN

"You have to pick your spraymen," says Jack Cornelius, a grower in Florida City. "There are some who would make good spraymen for me who I could never use, because their bathing habits aren't right. They should wash their hands before they eat or smoke, bathe daily.

"You pick a man whose habits are clean. You don't try to change his habits. You can't follow him around."

What kind of a warning do they get? "If you told them it'll kill you, they wouldn't believe you. About the only way to affect them is to tell them it would destroy their manhood."

BUGS ARE BAD

Cornelius has 2,000 acres, and he needs one spray machine for each 80 acres under cultivation. When the bugs are bad, the crops have to be sprayed every few days, sometimes two or three times a week.

"I pay my spraymen $1.25 an hour," he said. "The legal minimum is $1.15 an hour. "But they get fringe benefits. When the season's over, I don't fire them. I find some other work for them to do."

It turns out, however, that out of eight spraymen, only three enjoy the luxury of not being fired.

"Three of my spraymen are here the year around," Cornelius said. "The other five are in Mississippi spraying in the summer."

"Parathion is a good, safe material," said Harvey Hobbs, gladiolus grower on the Pine Island Road; "Safe when used with caution."

[From the Fort Myers (Fla.) News-Press, May 9, 1968]

TIME-LAPSE PERIOD NOT ALWAYS SAFE

(By Mary Farris)

Organic phosphates, the deadly insecticides said to be necessary to agriculture, have tricky ways. They are not always predictable. They are deadly when fresh, but deteriorate rapidly and disappear altogether—most of the time.

Parathion has been blamed for a number of deaths in Florida within recent months.

Parathion has made workers sick as long as a month after crops were sprayed. Sometimes strange chemical happenings occur for no predictable reason, and parathion turns into an even more deadly killer, paraoxon, which is 10 times more deadly than parathion.

According to the "Commercial Vegetable Insect and Disease Control Guide," issued by the Florida Agriculture Extension Service, most crops are safe to harvest three to five days after spraying with parathion. A few crops requiring heavier doses take as long as 15 days.

These guidelines are safe most of the time. Yet in California, which has probably done more research and legislation on the deadly insecticides than any other state, there has been outbreaks of poisoning among workers after the safety time period has elapsed.

A study was made by Dr. Thomas Milby, Fred Ottoboni and Dr. Howard Mitchell. The results were published in the Journal of the American Medical Association.

In 1958, 11 workers were poisoned from contact with parathion residues. Six of the cases occurred within two days of pesticide application, but the other five cases were from residues between eight and 33 days old.

In 1959, more than 275 cases of parathion residue poisoning occurred among workers harvesting citrus crops in California.

In 1963, there was an epidemic of parathion residue poisoning among the peach harvesters of the San Joaquin Valley, in spite of the fact that all groves had followed rigid rules. No application exceeded the recommended dose, and a minimum of 14 days elapsed between the last spraying and harvest. All growers are required to keep a schedule of pesticide applications.

The California Department of Public Health analyzed the records of 186 peach workers, and divided them into three groups.

The first group was of 94 orchard workers who became sick.

The second group was 68 workers who had not become sick. They had worked in the same orchard as the sick workers. Even though this group was not ill, 94 percent were found to have absorbed a significant amount of organic phosphate poisons. A characteristic of this type of poison is that it can be absorbed into the body with almost no ill effects until the final dose shoves the body over the line.

The third group were of 45 workers in other "safe" orchards. It was found 35 percent of these had absorbed significant amounts of organic phosphates.

The orchards where the workers became sick had been sprayed more frequently than the safe orchards, and less time elapsed between the last spraying and harvesting, but all were within the range considered safe.

The foliage was analyzed and the "safe"orchards had a mean parathion content of 1.9 parts per million. The dangerous orchards averaged 4.4 parts per million.

What slowed the dissipation was never satisfactorily determined. Variations in weather have an effect.

But there is another possibility. Parathion has the insidious ability to turn into other things—one of which is oxygen analog, paraoxon. This was found, as well as S-phenyl and S-ethyl, isomers of parathion, and another "slight compound" which was not identified, but was considered at least as deadly as paraoxion.

Though these were probably the most dramatic of the parathion residue poisonings, there have been others.

Workers have become sick from handling seeds that had been treated with insecticides.

In South Carolina, parathion was found in the soil nine months after treatment. In California, a pesticide used to kill "rough" fish persisted all winter and was still killing fish in the spring.

In the State of Washington, a little boy almost died from parathion that had been spilled on the driveway many months before, it had survived all winter, and contaminated the soil in the spring. The little boy had used the soil to make mud pies.

[From the Fort Myers (Fla.) News-Press, May 17, 1968]

RESEARCHER HAS NO PRAISE FOR INSECTICIDES NOW USED

(By Eddie Pertuit)

Insecticides of the "hard" variety are costing the world valuable oxygen in addition to killing off wildlife, Dr. Maurice W. Provost told the Southwest Florida Conservation Clearinghouse Thursday morning.

Dr. Provost, director of the State Board of Health's entomological research laboratory at Vero Beach, said a new indictment of the insecticide classes including DDT is the "retardation of photosynthesis in phytoplankton." In everyday English, it keeps the grass from growing at sea.

The growth process of the microscopic plants contributes an estimated 70 per cent of the world's oxygen supply, Dr. Provost told more than two dozen gathered at the Lee County Mosquito Control District offices. Some scientists now believe that the oxygen supply is threatened with overuse due to the jet-age technology.

"The oxygen content of the air was stabilized at 20 per cent more than 400 million years ago. Everything has become rigidly adapted to 20 per cent oxygen," he said. The slightest reduction could set off unpredictable changes in the world's ecology, he said.

DDT, the most widely known of the permanent insecticides, does not deteriorate in nature. Instead it tends to accumulate in certain areas due to the natural food chains and flow of nutrients.

COASTAL REGIONS

Dr. Provost was describing the effects in the greatest of nutrient traps, the estaurine waters of coastal regions. Estaurines are where the land and sea meet in marshes, bays, lagoons, river basins and swamps.

There is an abundance of evidence that the productivity based on tides and fresh water flows comes overwhelmingly from the marsh areas below the high water mark, Dr. Provost said. The upper reaches of the tides provide shelter for the small sea life that grows larger, moves into the open bays and becomes the basis for fishing and seafood sports and industry.

Protection of these areas is vital to man's existence in the future, he said.

"People may think we are fighting for fish, birds, etc cetera. What we are really fighting for is man and in a few years this will be shown clearly," he said.

The DDT taken into the estaurine waters from agricultural and lawn and garden insecticides gets into the food chain. Studies with results so new they are not formally published have shown hormone damage to birds which feed on seafood, including the bald eagle. One damage result is a thinner egg shell, resulting in crushed eggs in the nest and greatly reduced bird populations among some species.

Birds of prey are threatened with extinction due to the cumulative effects of DDT, Dr. Provost said.

"If it is doing this to birds, what is it doing to man?" he asked. Because the insecticide accumulates as life consumes life in the ecological food chains even the smallest amounts will eventually show results.

"Where we used to talk in terms of three pounds per acre now we talk of 0.02 parts per trillion," Dr. Provost said.

BILL TO BAN

In discussion after the talk on salt marshes it was brought out that a bill banning DDT and similar insecticides is in a U.S. Senate committee. The bill, sponsored by Sen. Gaylord Nelson of Minnesota, may be revived this summer, Dr. Provost said.

Rep. Ted Randell, clearinghouse president, said at least two states had instituted bans. Dr. Provost added that Canada and some European nations had bans, and the World Health Organization of the United Nations was seeking a halt to DDT use in Africa.

But the chemical is cheap, too, often cheaper than modern insecticides that break down after a short period of effectiveness and become harmless chemicals. The Lee County Mosquito Control District foggers use Malathion and similar organophosphates which are shortlived.

Dr. Provost warned the gathering that the estuaries are too important to lose.

"It is simple to conclude that the estuaries are Florida's most valuable asset," he said. The evidence already shows this and all investigations strengthen the conclusion.

Both the seafood industry and a major portion of the tourist industry depend on the estaurine production.

Therefore the estuaries need protection from manmade disturbances and chemical protection from pollutants. Chemical and thermal pollution may eventually prove even more a disaster to natural waters than residential sewage, Dr. Provost said.

[From the Miami Herald, May 20, 1969]

SENATOR SAYS DDT PERILS LIFE—STATE PROGRAMS WEAK, PANEL TOLD

(Miami Herald-St. Pete Times Wire)

WASHINGTON.—No pollutant "is endangering the quality of life on earth more than DDT and other persistent pesticides," yet government is reacting much too slowly "to the impending world pollution crisis," Sen. Gaylord Nelson (D., Wis.) said Monday.

Florida, apparently, is reacting hardly at all.

Nelson opened testimony before the Senate subcommittee on energy, natural resources and environment on the effects of pesticides on sport and commercial fishing. He said his staff has begun a national survey of state pesticide regulations and 36 states have replied.

"The preliminary results," Nelson said, "indicate that most states have woefully inadequate pesticide monitoring programs and lack any significant information on pesticide use."

A Nelson aide said that Robert M. Ingle, director of research for the Florida Board of Conservation, had replied to the senator's inquiry that "he just doesn't have any information and suggested we contact the State Department of Agriculture."

"We have written them, and the Department of Health," he said, "but we haven't heard anything from them."

Ingle wrote that he had no information on the amount of pesticides used in Florida or on seizures of food products because of pesticide residues in them. He said his department has no pesticide monitoring procedures.

DDT is a persistent pesticide which does not break down quickly but remains "in toxic form in soil, water, air and living plants and animals for many years after it is applied," Nelson said. "It drifts with the air, flows with the river, falls with the rain."

In use for only one generation, DDT has infiltrated the fatty tissue of most of the world's creatures, Nelson said.

"California marine scientists collected several hundred samples of fish and shellfish from the Pacific, in both salt water bays and the open sea," Nelson said. "They reported 396 of the 400 samples analyzed contained measurable DDT residues."

Pesticide residues impair the ability of many creatures to reproduce and threaten them with extinction, he said. Little is known about the effect on humans.

The testimony of Nelson and other witnesses described conditions mostly in the Great Lakes and West Coast areas. No one mentioned any particular problem in Florida. The U.S. Department of Agriculture reports that the use of DDT is heaviest in a four-state southeastern area that includes Florida.

[From the Fort Myers (Fla.) News-Press, May 21, 1968]

DEADLY POISONS NECESSARY, GROWER SAYS

(By Mary Farris)

"Insecticides are absolutely necessary," says J. Abney Cox, potato grower of Princeton, Fla. "You won't get a quality crop of a yield conducive to investment without them."

He was talking about the organic phosphates, some of the most deadly poisons the world has ever known. Parathion is the best known of them.

Yet it should be easy to use them safely—or as safely as possible. Rules on how to handle the deadly insecticides are to be had for the asking, from health and agricultural departments and from chemical companies themselves. In addition, it is a legal requirement that directions are on the label.

But few people stop to read the label. And even if you read all the rules, you might be more confused than ever because not all the rules agree. And those that do agree are more honored in the breach than in the observance.

For instance, take the matter of cholinesterase tests. A fall in the blood cholinesterase level is a symptom of exposure to the organic phosphates. Workers can absorb small amounts of the poisons, yet not feel ill until they have absorbed enough to be pushed into the danger zone.

Indication that the danger zone is near would be a low blood cholinesterase level.

The Florida citrus spray and dust schedule put out by the Florida Citrus Commission recommends that spray crews receive cholinesterase tests before spraying begins and at ten days intervals.

The safety manual put out by Shell Chemical Co. says that anyone working with the organic phosphates should have regular checks of their cholinesterase levels. In addition, it recommends that workers carry atrophine tablets, the standard treatment, as emergency first aid.

In interviews with five growers, who were asked what measures were taken to protect their workers, not one mentioned cholinesterase tests or atrophine tablets. They did mention goggles, respirators, mask and protective clothing.

This is not to hint that these growers were negligent. It is extremely doubtful that they ever read the booklets recommending these practices.

One of them, who seemed more safety conscious than most, Jack Cornelius of Florida City, said "If one of my spraymen begins to show symptoms, headache, nausea, many things you'd just tell another man to take it easy for a while, I send the sprayman to the doctor."

In addition, the booklets often give conflicting advice, or advice it would take a chemical engineer to decipher.

Interpretation 18, regulations for the enforcement of the federal insecticide, fungicide and rodenticide act, says to "keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be re-entered until drifting insecticide and volatile residues have dissipated * * *."

But it does not say how you will know when the volatile residues have dissipated. In the case of the peach orchards, it was over a month, and they didn't know there were still volatile residues until the workers became sick.

The Commercial Vegetable Insect and Disease Control Guide, put out by the Florida Agricultural Extension Service, gives three days as the minimum safe time to harvest after spraying with parathion.

The Texas guide for controlling insects, put out by the Texas Agricultural Extension Service, gives seven days as the minimum safe time to harvest after spraying with parathion.

The suggested guide for the use of insecticides, put out by the U.S. Department of Agriculture, states "After applying parathion to soil, keep all persons and animals off treated area for 48 hours."

But it doesn't really matter much what the books say, because few people ever read them. The growers make up their own rules, and they vary from grower to grower, and sometimes from day to day.

Herman Walker, grower at Perrine, said "I don't allow anybody in the fields for ground work inside of five days." When he was asked if sometimes he didn't have to spray every three days. Walker said "You only spray with parathion maybe twice a year."

Cornelius said "I never have workers in there the same day it's sprayed, although I personally go in and examine the fields in an hour or more to observe if it's done its job. I don't stay, don't smoke, don't take a deep breath.

"I don't send workers in until the next day."

Cox. the potato grower, said "Parathion does its work within an hour. The workers can go in within two hours."

[From the Palm Beach Post, May 22, 1968]

PARATHION POISONINGS PROMPT INVESTIGATION IN PAHOKEE AREA

(By Iz Nachman, Glades Bureau Chief)

PAHOKEE.—The cause of the sudden increase in the number of parathion poisonings in this area is being probed by Acting Police Chief Frank O'Connell and sheriff's deputies.

Within the past month, J. C. Simonds, Jr., administrator of Everglades Memorial Hospital here, said, six cases have been treated at the hospital.

To date, one death has been partially attributed to the organic phosphate. Willie M. Green, 66, of 183 Daniel Place, who became ill May 13, died the following day.

At present, three patients are in the hospital, apparently suffering from the effects of the deadly poison, Simonds said.

Tom Ransom, 43, of 230 Brooker Place, and Emory Parks, 58, of Canal Point, were admitted Friday.

A third victim, George Barr, 26, of 392 Rardin Ave., became ill in the city jail Sunday and was admitted for treatment.

O'Connell said Barr was arrested Saturday for assault and battery. At the time, he was suffering from an open cut on his hand. The following day Barr became ill and was hospitalized.

Each of the men was employed in areas where the poison is used in powder form. Barr, according to O'Connell, was working for a crop dusting firm which said it was not using the poison.

There was evidence, however, that the poison was in Barr's clothing. He was released from the hospital on Monday and then readmitted when his condition changed.

During the present harvesting season, there have been two other deaths, both infants, in the Pahokee-Belle Glade area.

Nov. 2, 17-month-old Christopher E. Tull Jr., of 169 Adams Place, was pronounced dead at the hospital.

The Belle Glade fatality occurred Nov. 27 when Harold Harrison, 2½ years of age, of 508 SW 5th St., became ill. He too was pronounced dead at Glades General Hospital.

Autopsies performed on both boys proved they died as the result of the parathion poisoning.

Area physicians, who have worked with the organic phosphate victims and are quick to diagnose its presence, have had good success in combating the poison, if the victim is hospitalized as quickly as possible.

Victims of the poison suffer stomach pains and begin vomiting. The eyeballs also shrink to pin-point size, a physician stated.

Intravenous injections of atropine are used to fight the poison and small children are kept under constant surveillance by hospital attendants.

There is a state statute against the indiscriminate use of parathion. According to statute number 482.191 sub-section one, violators of what is known as the structural pest control statute may be fined $300 or ordered to serve a 90-day jail sentence.

[From the Fort Myers (Fla.) News-Press, May 22, 1968]

WORKERS ARE LAX IN USING DEADLY SPRAY MATERIALS

(By Mary Farris)

"If you don't use insecticides, there are times you might lose 50 per cent of your crop," says Herman Walker, grower in Perrine, Fla. He was talking about the organic phosphates, the best known being parathion.

The organic phosphates kill by inhalation, ingestion, or just touch. Contact with it is not immediately painful, yet if you spill some on your skin, and don't wash it off immediately, you die.

Yet the workers who handle it are often illiterate, and poorly informed as to how deadly it really is. Their carelessness, therefore, is understandable—but horrifying.

In California, a spray rig operator was found dead, still sitting in the tractor pulling the rig. The case is recorded in "Archives of Environmental Health."

The worker had become sick and started to vomit from organic phosphate poisoning. He was unable to remove his respirator, had vomited into the respirator, and choked to death on his own vomit.

The could have been easily avoided if the worker had either been more careful, or washed his hands and discarded his gloves.

While mixing the insecticide, he had gotten his gloves wet with the mixture. It soaked through to the skin on his hands. Also he had rested his gloved hands on his thigh, and the skin of his thigh had absorbed it, even through his trousers.

But the unbelievable carelessness goes further than that. Workers say they are sprayed in the fields, but by ground spray rig operators, and by flying crop dusters.

The workers are not really accusing anybody, however, because most of them don't really know how dangerous it is.

"I've been in the fields, and they spray them while you're out there," said one young girl, waiting in the Fort Myers office of the Community Action Fund. "Sometimes you have to run from the spray."

"I don't believe it can be so dangerous," said another young girl waiting in the same office. "I've been out there when they've sprayed, and I'm all right."

Two white boys, in the town of Naples after working in the fields, thought nothing of the spray. They were more concerned about the cramped living conditions and poor pay. When asked about the spray, they were surprised, and unconcerned.

They shrugged, and said "We just get out of the way 'til it goes by."

"Maybe it's not sprayed directly on the workers," said Ruben Mitchell, Fort Myers Community Action Fund director, "but the wind blows it across two or three acres."

"We see a tractor going around with a spray rig," says Bill Johnson, Community Action Fund state director, "and the wind is blowing straight towards the workers."

"The problem is, there is no state law regulating the insecticides," says Marvin Davies, state field director for the NAACP, National Association for the Advancement of Colored People. "There are regulations on what you can spray on livestock, but not on humans. So they spray them with parathion."

At one time Johnson worked in the fields himself, all the way through high school and college, where an anonymous benefactor saw to his education. He knows all about field workers by first hand experience.

"They get no education on what to do," Johnson said, "such as when they go home, take their clothes off and wash their hands. There's no place to wash their hands at work unless there's water in the ditch. So they eat lunch without washing their hands."

On a tour of truck farms, this reporter saw some of the ditches where the workers might have washed their hands—but they had dead fish in them, killed by insecticides.

At one time Johnson operated a spray rig himself. When asked how he felt about it, he replied "guilty. I feel real guilty. I would hate to get in on the workers because it stank. I knew it was bad, but I didn't know how bad."

The doctors confirm what the workers say.

Dr. John Davies, director of the community studies on pesticides in the Miami office of the federally funded project, is a native of Wales. He came to this country ten years ago, and still speaks with a British accent.

When asked if workers are sprayed in the field, Dr. Davies leans back and peers over the top of his spectacles.

"We have seen it happen," he says, "but we have not observed sickness from it. I've gotten sprayed myself, and observed no ill affects." He explained that in such cases the concentration would not be sufficient to push the body over the border line.

Would the picture change if a worker were accidentally sprayed several times close together? "This would depend upon the rating of the chemical and its concentration," Dr. Davies said cautiously.

The name of another doctor was given, as having treated many cases. "This is the swamp doctor," was the way he answered the phone. "Doctors, niggers, hogs and gators." He sounded drunk.

When told he was being interviewed, he said "I don't want my name mentioned in any newspaper. I'm a loner. I don't want any publicity." He was assured his name would not be mentioned.

He agreed that poisoning caused by long exposure at a low level was a definite possibility. "Might not even be particularly sick or noticeable," he said. "A little extra and it shoves you over. It's a theoretical possibility. It's never really a concern of anybody that's worked with the stuff like I have. Either you're poisoned, or you're not."

When asked about ground spray rig operators, he groaned. "Aw, you ought to rest your eyes on some of them. Seventeen year old boys. Nice little fellows. Not even supposed to be on a piece of equipment in the first place. I've treated 1,000 cases in the last 14 years. Most of them came from ground-operated equipment.

"Then there's some of them been at it 25 years, never get poisoned. It's a safe poison if you handle it properly.

"You're picking on parathion. There's a lot of poisons that's worse than that. It's not the strongest. TEPP is the worst. Phosdrin is worse. It makes a real good story to pick on parathion—and you can do it, and tell the truth, too."

He was thanked for the interview. "You're more than welcome. Just don't print my name." He was assured his name would not be used.

[From the Miami Herald, May 23, 1968]

PARATHION DEATH BRINGS TIGHTER RESTRICTIONS PLEA

(By Dave Simms, Herald Staff Writer)

PAHOKEE.—Acting Police Chief Frank O'Connell called Wednesday for more stringent laws to regulate the use of parathion, a deadly poison, in crop dusting.

Six Negroes suffering from parathion poisoning have been hospitalized here in the past month, Everglades Memorial Hospital Administrator J. C. Simonds Jr., said.

One died last week and three others remain in the hospital, he said. Not all the cases have been linked to dusting and none have definitely been proven caused by dusting.

O'Connell said he can't do much personally to limit the use of the poison in dusting compounds because fields where it apparently is used are outside Pahokee's boundaries.

But he expressed concern for families living on the fringe of the city near farms where the poison might be used. He said the wind can easily carry parathion, a fine powder, into migrant workers' homes.

O' Connell believed most farmers in the area include about two per cent of parathion in their crop dusting mixtures. "I don't know if every farmer uses it," he said.

State law bans any negligent use of the poison, but the acting chief said it would be hard to prove negligence in court.

O'Connell also said that state health officials are in the midst of a probe into the latest poisoning cases.

Last November, two young children in the Glades died of Parathion poisoning, one in Belle Glade and one in Pahokee.

The latest victim, Willie Green, 66, of Port Mayaca, had two jugs of the poison in his home.

One of those under hospital care, George Barr, 26, of 392 Rardin Ave., Pahokee, worked for a dusting firm. O'Connell, who declined to identify the firm, said its officials denied they used parathion in their mixtures.

Barr was arrested in Pahokee last Saturday after allegedly being involved in a fight and suffered a cut on a hand. Sunday he became ill in jail and was transferred to the hospital. Parathion was found on his clothing and apparently had gotten into the wound.

Another person in the hospital, Emory Parks, 58, of Canal Point, was working in a field next to one where parathion was being used and became sick.

A third person, Tom Ransom, 33, of 230 Booker Pl., Pahokee, also is in the hospital but O'Connell said he didn't know how he came in contact with the poison. Two others have been treated and released.

O'Connell suggested farmers get together to develop safeguards against any spread of the powder when it's being used.

He also said the migrant families themselves are somewhat at fault for using the poison to try to kill mosquitos and snakes in their homes. He said the Negroes are told the poison works.

"They don't realize how deadly the poison is," he said.

He also cited a recent case where a horse in a pasture next to a parathion dusted field became seriously ill.

The state's most publicized parathion case was last October when seven children died of the poison in Arcadia in DeSoto county.

The father, James Richardson, goes on trial in Fort Myers next Monday, charged with first degree murder in one of the deaths.

[From the Fort Myers (Fla.) News Press, May 23, 1968]

PESTICIDES NECESSARY FOR FOOD PRODUCTION IN U.S.

(By Mary Farris)

"If we want to be like the people of India and starve our people rather than use poison, we can quit using it," says crop duster Andy Moore of Immokalee. He was talking about the organic phosphates, deadly insecticides used, in agriculture.

The poison is spread in two ways, by ground operated spray rigs and by crop dusters. Andy is one of the latter.

"You can't possible grow enough food in the United States to feed our own people without using pesticides," he continued. "We have the technical know-how. It would be better for one out of a million or two to get poisoned than to starve."

The crop duster pilots, usually just called "dusters," are far above the level of the ground spray rig operators in technical know-how.

The ground rig operators are usually illiterate, unaware of just how deadly the material is, and often unable or unwilling to follow instructions.

The pilots are intelligent, educated, qualified men who are used to self-discipline. They are well aware of the dangers and more likely to take proper precautions.

Yet even the crop dusters are unable, or unwilling, to give themselves complete protection.

When Art Kaymierezak, duster in Immokalee, was asked if parathion was accumulative in the body, he laughed. "It can't be," he said, "or I'd be dead."

"I don't care much for it," said J. C. Sanders, duster with a rugged, weather-beaten face. "Makes me sick if I breathe it. If you take precauitons it's all right. I never been sick enough to go to the hospital." He looks like he wouldn't go to the hospital if he were dying.

"The thing is, you have to read the instructions," Art said. "Like these people who stored it next to flour and sugar in Tijuana. What the hell's the matter with the idiots? Put it together, and what do they expect? It's like putting a gun to your head and pulling the trigger."

But with or without instructions, the deadly insecticides spell deadly peril, as these cases from the archives of environmental health will prove.

A duster pilot in California had to make a forced landing, and turned over. He was using TEPP in dust form. TEPP is the deadliest of the insecticides, ranking about 13 times deadlier than parathion.

The dust covered the pilot when he got out of his craft. He walked 50 feet to a field worker and asked for a drink of water, then began to vomit. He became unconscious and died before the ambulance could arrive.

The ambulance driver, the pathologist and the mortician all got organic phosphate poisoning just from handling the body.

Another duster pilot crashed, and some insecticide spilled on his face. He was washed promptly, however, and given atrophine tablets. He became sick, but recovered.

A "swamper," who washed off duster airplanes, absorbed too much organic phosphate in the process, became unconscious and died.

An 18-month-old girl became sick when she played with a towel that had wiped the boots of her father, a duster.

Dr. Irma West, with the California Bureau of Occupational Health, says that the agricultural aircraft industry has a formidable record of occupational injury and disease. "Over half its disabling work injuries are due to pesticide poisoning," Dr. West says.

The duster pilots are also accused of spraying the fields while the workers are in them.

"Planes come over and spray the stuff and there's no question about it," says Bill Johnson, state director of Community Action Fund. "The man flying is only doing what he's told. They tell him to spray a certain section and he does it."

"I've seen them in the fields, weeding or tying up vines," says Marvin Davies, state field director of the National Association for the Advancement of Colored People, "and spray planes would fly over. They'd get under trucks, boxes, anything they could find. Then as soon as the planes are over, they go right back out and get to working."

"Some of my staff members have actually seen airplanes spraying insecticide while the farm workers were still in the very same fields they were spraying," said Margaret Taylor, former Community Action Fund director.

The doctor, who did not want to be identified, disagreed. "Airplane duster pilots are supposed to spread it," he said. "That's a lie. A duster pilot handles his poison well and he keeps it off the people. I've treated 1000 cases in the last 14 years, and four of them from pilots—and they were pilots themselves. Four in 14 years—that's not many."

Jack Cornelius, grower from Florida City, also expressed doubts. "Workers sprayed? It's possible. But I've never had it happen in our fields. The only way it could happen would be by plane.

"And the reason it doesn't happen is, you have a man flagging the field. The man on the ground flags the field in 25 foot swaths. The first requirement is to see nobody is in the field or downwind of the field.

"I've fertilized by planes many times with the crew in the field. You tell them, maybe they get out, maybe they don't."

When asked if he had ever heard the charges that workers were sprayed in the fields, he said no, he hadn't.

The dusters themselves would seem to be the best authority. I asked a group, that had previously not been interviewed. For obvious reasons, their names will not be given.

Are workers ever sprayed in the field? Instead of an outburst of righteous indignation, there was a long, painful silence. The question was repeated.

"If the workers don't know enough to get out of the fields, what do they expect?" one pilot blurted. He got up and left.

"Lots of these people, you can draw them a picture and they just don't understand. Sheer stupidity," said another.

"I haven't heard of any being sprayed, in this area," said another.

"You spray pesticides real early and late," said another. "During the day it's fertilizer. And you can eat that, and it won't hurt you."

[From the Fort Myers (Fla.) News-Press, May 26, 1968]

Many Pesticide Deaths Go Unreported in State

(By Mary Farris)

"The insecticides are necessary," says Dr. John Davies, director of the community studies on pesticides in Miami. "This area was completely uninhabitable not so long ago. Malaria, and yellow fever, dengue fever, encipheliitis. All of these are examples of diseases spread by pests, in the past rendering certain areas of the world uninhabitable. It is also necessary to protect the food supply, especially with the population explosion."

Yet the deadly insecticides exact a terrible toll. When asked how many insecticide deaths went undetected, Dr. Davies said "I would hate to hazard a guess." He explained that it depends upon the facilities for medical investigation. "In Dade County we certainly have a very conscientious medical examiner."

John Welke, industrial hygienist with the study, was more emphatic. "We have here in Dade County the most alert medical examiner, and a project in operation. Yet I'm sure we don't hear of half that occur. Through the rest of the state —" he shrugged, "Under reporting occurs. No question about this."

89 PESTICIDE DEATHS

In an eight year period, from 1956 to 1964, 89 pesticide deaths were reported in Dade County.

Dr. Joseph H. Davis, Dade County medical examiner, agrees that not all insecticide or pesticide deaths are caught. "I do not have any idea how many such deaths go undetected. One of the problems is the lack of a sufficient number of cases to familiarize physicians," he said

"Another problem is that many poisonings can yield symptoms similar to those which might be produced by a number of different natural diseases. For example, we have seen parathion poisoning masquerade as a stroke, hyper-tension, pneumonia, head injury, etc.

"That this situation does occur, is shown by one previous series of accidental deaths from parathion poisoning where 50 per cent of the cases were undiagnosed or unsuspected until the dead had been processed by our laboratory and investigative staff."

ALERT REPORTING

Dr. T. E. Collins with the Florida State Board of Health believes that the greater number of mortalities from pesticides reported in Dade, Broward, and Palm Beach Counties is due to the vigilance of Dr. Davies and Dr. Davis.

"The mortality rate for these three counties for the period 1959–67 is 2.03 per 100,000. Were that rate applied to the remainder of the state, where no intensive search for cases has been made, an additional 60 accidental parathion deaths would have been recorded," Dr. Collins said.

"It is not good enough to say a few deaths must be expected with the use of parathion," he concludes.

"The common practice of embalming before autopsy makes it impossible to carry out certain tests," said Dr. Irma West of the California Bureau of Occupational Health.

UNSUSPECTED DEATHS

Dr. West said that out of a series of eight parathion deaths, six were initially unsuspected "and would have been missed had not a special investigation and laboratory tests been carried out."

"It is my experience that many persons who take responsibility for application of pesticides do not have the knowledge, training, or equipment to carry out their tasks with a reasonable margin of safety.

"The time has come to state that the medical profession has been placed in a difficult position. It is entirely unrealistic to expect every physician in general practice to keep up with what is known and unknown.

"There are probably more unsound diagnoses and more missed diagnoses in chemical poisoning than in most other areas of medicine."

NEVER COME TO LIGHT

Those who work with the laborers agree with the doctors that many insecticide or pesticide deaths never come to light.

"I've had one or two members of my church die in strange, rather mysterious circumstances while they were working on a farm," says Rev. Isadore Edwards, Fort Myers president of the NAACP. "I buried one last year. He went to work in the fields and they found him down in the rows, dead.

"I would estimate that less than 10 per cent of the insecticide deaths are reported."

"As long as I can remember, I've seen people hit with it," said Bill Johnson, state director of the Community Action Fund. "The reaction is very much like an epileptic seizure. Farm workers kept it very quiet, and naturally the growers did. Nobody wanted to be a trouble maker."

ONLY LEGISLATION

The solution would seem to be easy—control of sales and education of the users. Yet the only legislation in effect in Florida concerns the correct labeling, something which some people never stop to read.

In 1961 the State Board of Health tried to get legislation passed to regulate the sale of parathion and the other deadly pesticides. The board of health wanted to issue permits.

Jack Dreessen of Washington, D.C., spokesman for the chemical industry, urged a public education program instead, saying the industry would pay $7,500 of the costs.

Again in 1963 the State Board of Health tried to get legislation passed to control the use of highly toxic pesticides in residential areas, and the commercial users in residential areas.

OPPOSITION CITED

"The Legislature failed to pass either bill," said John A. Mulrennan, director of the Bureau of Entomology with the State Board of Health. "The manufacturers of pesticides and the commercial pest control operators were opposed to the legislation."

Mulrennan said that the health board did make rules for the use of highly toxic pesticides. "The District Court of Appeal ruled that we had no authority to promulgate such rules since the Legislature had not given us such power," Mulrennan added.

"Farming is a big business controlled by big people," Ruben Mitchell, Community Action Fund director in Fort Myers, said. "Farm workers are about the most insignificant people in the community. They'll never cause the boat to rock."

THE SACRED COWS

"The sacred cows of Florida are still the farmers," says Marvin Davies, state director of the NAACP. "And there is nothing which the Legislature can get done to bring them in line with civilization."

The growers disagree. "Ninety per cent of the growers would quit farming the day the law was passed prohibiting its use," states Jack Cornelius, of Florida City.

"I don't feel permits to buy is the answer," Cornelius went on. "You need controls on who sells it. If you could only buy it at a chemical wholesale house, or farm supply store, with nothing to keep them from selling it except their knowledge of the material, that would be fine."

MORE BUREAUCRACY

Would he be against licenses for spraymen? "Not particularly," he answered. "I think it would just be another government bureaucracy that would accomplish nothing, but I wouldn't fight it in any way. I think they would just come out and inspect him once, and give him a license, and that would be it."

"It would be ridiculous to have such a law," maintains Johnny Tucker, chemical salesman. He agreed that ignorance and carelessness were the biggest dangers. And how do you remedy that?

He gave a short, grim laugh. "The parathion will do it," he said.

[From the Miami Herald, Aug. 4, 1968]

PESTICIDES HURTING FLORIDA

(By Dick Pothier, Herald Science Writer)

This year Floridians will pour about 25,000 tons of deadly pesticide over their state. And there are growing indications that the environment and the people that live there are beginning to show the strain.

That's 50 million pounds of poison—enough to kill every man, woman and child on earth.

Such massive doses of pesticide and insecticide have been used here for so long that scientists are becoming increasingly concerned about what it all means to life in Florida—plant, animal and human.

As a result, Florida has quickly become the nation's top research center on the effects of these poisons on man, animals, and the environment.

Only a few of the early results are in. But they're enough to make scientists uncomfortable:

In some areas of the state (including parts of Dade and Broward Counties) the public water supply contains more DDT than a federal study committee recommends for the safety of aquatic life. The water apparently represents no danger to human beings, however.

Most Floridians (and most residents of the rest of the country, for that matter) have enough pesticide absorbed and stored in nonsensitive body tissues to kill them if the poison were to reach the brain at once.

For nonbiological reasons, Dade County Negroes have nearly twice as much DDT residue in their blood, on the average, as whites from the same area.

The continuing use of thousands of tons of pesticides has harmed or killed uncounted masses of fish and marine life.

The permeation of Florida's environment by pesticide has spurred research into possible harmful physical or mental effects on man himself. Some researchers believe excessive use of pesticides in the home—a long-recognized problem in Florida—may cause a variety of diseases, including cancer.

The studies going on now in Florida are pioneering in both intensity and subject. Virtually every living thing from tiny water animals to man himself is being examined minutely for any trace of harmful effects from the quantities of pesticides applied all over Florida.

Nearly everyone involved in the work stresses that the results are still preliminary. But the results, so far, are also disturbing.

Pesticides, particularly the highly toxic DDT-type poisons, have become thoroughly distributed into Florida's air, water, animals and human beings and are being concentrated in the animal "food chain."

Much like radioactive fallout, pesticide residues are circulating throughout the total environment and are even falling with the rain.

So far, there's no solid evidence that the levels found in the general population are doing any harm.

Nearly everyone in the civilized world absorbs and holds a "background level" of pesticide residue.

The levels found in the blood of Floridians seem to be about the same as in the rest of America. But the blood of Dade County's Negroes contains an average of nearly twice as much DDT-type residue as whites.

Dr. John Davies, on loan to the Dade County Health Department's Community Pesticide Study Project from the University of Miami's School of Medicine has been measuring the concentrations in general-population groups of Dade County.

In all cases, the pesticide concentrations are almost indescribably small—far below anything like the toxicity level. Blood levels are measured in "parts per billion," an almost-infinitesimal amount.

The median level for white adults in Dade County is eight parts per billion parts of blood. The medium level for Dade Negroes is 14 parts per billion.

"I believe it's a socio-economic matter," Dr. Davies said. On the average, he said, Negroes tend to spray more insecticides in their homes because their homes, again on the average, may simply need more pesticide to keep the insect level down.'

"Everyone seems to think that food is the primary cause for these levels," Dr. Davies said. "But I think things like dust and other forms of contact are equally important."

His findings, based upon blood tests of 219 persons, show that the differential holds true for children, too. White children from one to seven recorded a median of seven parts per billion; Negro children in the same age group measured 14 parts per billion.

The blood-level example illustrates some of the problems pesticide researchers face—first of all, the extremely low levels themselves.

When scientists talk about levels in humans, animals or even drinking water, they don't talk about actual amounts. The measurements are in parts per million, billion and even—in the case of water—parts per trillion.

These several-parts-per-billion measurements in humans are background levels that build up in the body from a variety of sources—food, air, drinking water, dust, and daily exposure to minute amounts of pesticide.

The U.S. Public Health Service's Perrine laboratory is looking into possible dangers to health from general-population levels found in this area. So far, there are "no obvious clinical or medical effects," the researcher in charge of the project said.

The PHS scientist, Dr. Cipriano Cueto, said he believes most people have enough pesticide stored in non-sensitive body tissues to kill them if the poison somehow reached the brain at once. But the body doesn't work that way, he added.

Like many other toxic chemicals, pesticides in the body are distributed in non-critical areas like fatty tissue. Convulsions and death probably follow if the poison reached the brain at once, he said.

Dr. Cueto's primary research is on the possible long-term effects of these levels. "No one is sure of these possibilities—and there's very little available in the medical literature," he said.

"There are, however, indications from some studies that even these levels may affect the cardiovascular system, the learning process, or create certain mental problems—there's no doubt about this.

"For instance, there is practically nothing known on the mental health aspects of pesticide problems. I think all of these deserve careful study and that's what we're trying to do."

Another researcher in the federally supported study, Dr. William B. Deichmann of the UM medical school's pharmacology department, told The Herald he believes "there may well be a relationship" between high pesticide levels and such diseases as cancer and cirrhosis.

Using data drawn from a series of autopsies, Dr. Deichmann found that the levels of DDT-type pesticides were generally higher in victims of these diseases.

"This increased retention of pesticides in certain diseases doesn't mean that the pesticides caused the disase or that the disease caused the increased pesticide retention. That's the $64 question—whether there's a relationship between the two."

"We found that, for the most part, the tissues containing high pesticide levels came from individuals who had used pesticides very freely in their homes. The opposite was true for those who had used pesticide sparingly or not at all," he said.

The concentrations of DDT-type pesticides found in the fatty tissues "of nonoccupationally exposed individuals who died from cirrhosis, carcinoma and hypertension were approximately two to three times higher than concentrations found in the tissues of those who died accidental deaths," Dr. Deichmann reported.

"This concerns me very much. We have found that the household use of pesticides—or more properly, the household misuse—is much more important than has ever been realized.

"The pesticide intake from food and water seems rather uniform around the country, but this isn't true when it comes to home use. I'm not against pesticides and I use them myself, but they must be used safely and logically."

Another major area of concern in Florida now is pesticide distribution in water—both natural and drinking water.

There's no evidence whatsoever that the levels in public water supplies create any problem in terms of human consumption. But the levels of DDT-family pesticides frequently exceed the government-recommended maximums for the safety of marine life.

The Miami-based water resources division of the U.S. Geological Survey has been sampling natural waters around Florida for nearly a year.

And it has found "undesirable" quantities of pesticide in several water supplies—among others, the Plantation Road canal that supplies drinking water to Fort Lauderdale.

Dr. Milton C. Kolipinski, an aquatic biologist with the geological survey unit, set up the monitoring system to concentrate on chlorinated hydrocarbons, one of the two major pesticide "families" used extensively in Florida.

Chlorinated hydrocarbons, including such products as DDT and Dieldrin, decompose very slowly—in soil, DDT loses its strength at only five per cent a year.

The other major pesticide group is the organo-phosphates—Parathion, Malathion, and similar products. They're equally deadly, but in a natural environment they apparently degrade more rapidly and don't build up long-term residues like the DDT products.

Of 21 sampling stations around the state, the highest level of DDT and its toxic byproducts, DDD and DDE, was found in the Apopka-Beauclair Canal near Lake Apopka in Orlando's citrus area. Dr. Kolipinski's team found about 90 parts per trillion of these products.

The lake "has a sad history of massive fish kills," Dr. Kolipinski said.

The second-highest level in the survey was in Broward's Plantation Road canal—about 60 parts per trillion. "The occurrence of pesticides in this canal is undesirable because the canal is adjacent to South Dixie Wells Field, which supplies water to Fort Lauderdale," the monitoring team said in a report.

Florida's natural-water levels seem to be somewhat higher than pesticide levels found in other parts of the nation. But no Florida samples exceeded the federally recommended maximum for human consumption.

Many, including some Public Health Service drinking-water tests in Miami, exceeded the maximum for waters containing marine life, however. This level is lower because some forms of aquatic life have higher sensitivity to pesticide than man's.

Researchers at the UM's Institute of Marine Science are working under a grant from the Federal Water Pollution Control Administration to find out, if possible, how much damage has been done to marine life by pesticide pollution.

"We're interested in the long-term effects of what we call sub-lethal doses," said Dr. Charles E. Lane, in charge of the project. "We've found changes in blood chemistry, certain enzymes, changes in activity patterns and rhythms, and certain other functions."

But, Dr. Lane said, it's still too early to tell what the long-term effects might be.

Dr. Kolipinski and Aaron L. Higer, another Geological Survey researcher, have extended their study to Florida's entire "ecosystem," in an Everglades environment.

The Everglades study included research on biological magnification—a natural process that concentrates pesticides when larger organisms eat smaller ones and thus absorb more pesticide than their "share."

"We talk about the hydrogen bomb and fallout," Higer said. "But the fallout from pesticides has probably contaminated the entire world."

A National Science Foundation research project in the Antarctic has confirmed the "fallout" theory. Scientists found DDT in seals, fish and penguins—in areas where the pesticide has never been used.

Scientists aren't sure how it got there. Some believe the DDT was distributed there through atmospheric distribution, others that marine animals in the food chain spread the poison slowly through the world's oceans.

Florida has restricted the use of DDT for agriculture or mosquito spraying. But it's still used in homes and gardens.

In general, Florida's concentrations of such pesticides in both animals and the soil-water complex don't seem excessively higher than the levels in other parts of the nation.

But scientists still aren't sure what even moderate levels may be doing to the environment—including man. Florida seems destined to remain the nation's top pesticide research center, if only because Floridians use so much pesticide.

[From the Fort Myers (Fla.) News-Press, Oct. 25, 1968]

INSECTICIDE SPRAYED ON CITRUS

TALLAHASSEE.—A powerful insecticide, hazardous to fish and small animal life if it gets on ponds and drinking spots, is being sprayed on citrus crops in an area north of Apopka, the Department of Agriculture said Thursday.

The insecticide, being sprayed by airplanes, is being used to destroy the sugar cane root stock borer weevil, recently found in an isolated 3,000 acre area.

Bob Meeker, information officer for the department's Division of Plant Industry in Gainesville, said that the insecticide is called granular heptachlor.

"While the material is being applied at the manufacturer's recommended rate, which may be hazardous to fish and small animal life if allowed to get into fish ponds and animal drinking spots, every effort is made to notify home owners in advance as to when the aircraft will be overhead so they may cover bird baths, drinking troughs or small fish ponds," Meeker said.

"Aircraft will not spray over lakes, pastures or heavily populated areas," Meeker added.

He denied reports that the division had tried to hide the spraying activities.

"We weren't trying to hide it at all. We're making every effort to take every precaution possible," Meeker said.

Meeker said that the weevil, in larva form, does considerable damage to roots of citrus trees.

"This is a very destructive pest we're up against. It will cause a decline in the tree. If allowed to spread throughout Florida, we'd be in all kinds of trouble," Meeker said.

[From the Miami Herald, Dec. 17, 1968]

STATE REFUSES TOUGHER PESTICIDE LAW

TALLAHASSEE.—The House Agriculture Committee decided Monday it couldn't tightly regulate the handful of farmers who use pesticides that can kill people.

Members did agree some strong regulation was needed for hunters, picknickers and others who trespass on farm property.

No votes were taken, but Rep. Ted Alvarez of Jacksonville, co-owner of a dairy, made it plain what would happen to bills suggesting stringent regulation of deadly pesticides.

Noting that a number of such bills probably will be introduced "because of all the newspaper publicity," Alvarez suggested:

"They can introduce all they want to, but we'll just run 'em right through . . . As soon as they find out all of these things are going into the wastebasket, they'll do some thinking before they introduce them."

Dade Rep. Robert Hector, who owns a farm supply store dealing with pesticides, agreed that more restrictive legislation would be bad.

"The industry is paying a heavy load now," he maintained. "We want to be careful about how we load down the industry."

Alvarez appeared worried about two bills in particular. One, pushed by the Health Department, would require the licensing of pesticide dealers and permits for its use.

The second would give the Public Service Commission regulatory powers over the in-state shipment of pesticides—some of which can kill by simple contact.

Committee members indicated they would favor a "middle of the road bill" drafted with the help of the Agriculture Department.

"The main thing is the bill is going to be educational," explained Hector.

Control of trespassers wouldn't be nearly as hard as control of pesticides, committee members agreed.

Committee Chairman Howell Lancaster appointed a subcommittee to draft the legislation and told them to get right to work.

"The cattlemen's association is very interested in this," he noted.

Alvarez again took the lead, saying earlier work by an interim committee indicated the bill should make it trespassing to enter any property which is fenced.

Some people in Duval County, he noted, seem to think wild game on private farms belongs to the public and they have a right to hunt anywhere.

The Duval legislator also suggested that committee members "start lobbying for the veterinarian school" which he said had been downgraded in priority by higher education planners.

Lancaster said this would be a good idea and, in addition, suggested "We should be looking at the reorganization committee to be sure agriculture was kept as a separate committee."

Rep. Clifford A. McNulty of Melbourne reported that one reorganization expert had noted that Agriculture Department duties were "more in line with consumer protection and perhaps might be placed under a commerce department."

Other committee members smiled and chuckled at the naivete of such a suggestion.

The discussion quickly turned to helping farmers, not consumers, with their problems.

[From the Miami Herald, Jan. 22, 1969]

LAWMAKERS SCOFF AT PESTICIDE DANGERS

FIGURES DON'T LIE ABOUT DEATHS

(By Bill Mansfield, Capital Bureau Chief)

TALLAHASSEE.—"I don't know that anybody's been killed by touching them (pesticides)," Rep. Wayne Mixon of Marianna told the House Agriculture Committee this week.

Rep. John Jordan of West Palm Beach, agreed "I haven't heard much about why we need to control pesticides," he declared.

Mixon implied the control bill before the committee was the result of emotionalism stemming from a single case "in Arcadia where some children got it stuffed down them by a deranged person who would have used a knife probably if it hadn't been for this parathion."

Figures supplied by the State Board of Health Tuesday tell a slightly different story. They show:

At least 16 accidental deaths and nine suicides from pesticides last year, with reports still incomplete.

Accidental death brought to 17 persons by pesticides in 1967—plus 12 suicides and six murders (the ones Mixon spoke of) in 1967.

Pesticides requiring a trip to the hospital for 697 persons in 1964 alone.

Never less than seven deaths and 428 poisonings attributed to pesticides in any one year since 1963.

And health officials admit their records don't reflect all the poisonings.

Agriculture Committee members generally expressed more interest in preventing government regulation than preventing death, however.

"Since many children are killed each year by drinking gas or kerosene from Coke battles, shouldn't we regulate them, too?" asked Rep. Clifford McNulty.

"Water kills a lot of people, too, if it's deep enough," shot back Dr. Richard Hodes, a representative from Tampa who was explaining the bill drafted by an interim committee.

"Some things you can't control . . . but we can do something about controlling this."

Rep. Earl Dixon saw some logic to regulating the sale of the highly toxic pesticides, but wondered "why regulate the users?"

"Because we still have to be concerned about how and why it's applied," Hodes replied.

There are people, too, who can't read the labels warning of the danger from some of the more lethal poisons—including those which kill by contact with the skin alone.

The Board of Health also has some figures on that.

In 1967, poison control centers throughout the state treated 437 patients for pesticide poisoning.

Of that number 322 were below age 10. Most were very young—292 were four years old or less.

The main worry of the committee members seemed to be possible inconvenience to farmers or to the industry itself.

The Hodes bill would have charged $100 for a license to sell highly toxic pesticides.

This worried Rep. Robert Hector of Dade County. "We're putting on an industry the onus of regulating its own industry," he complained.

Chairman Howell Lancaster of Trenton didn't like the provision which would allow the commissioner of agriculture to deny use permits.

"One reason I don't want to give it (the regulation) to him (the commissioner) is because he has the right to deny permits," he said bluntly.

Dr. Hodes maintained that the very fact a permit had to be obtained would lead many people to use less dangerous pest killers. "The little old lady who wants to get the fleas off her cat isn't going to get a permit," he reasoned.

Rep. Ted Alverez of Jacksonville, who at an earlier meeting had suggested tossing most pesticide bills into the wastebasket, conceded this week some regulation was needed.

"We have to get at the problem by denying just everybody the right to go in and purchase it," he said.

Hector offered a shorter, less-detailed bill as a substitute for the Interim Committee version.

His bill, sent to a subcommittee for more study would appropriate $85,000, and eliminate the $100 fee for dealers.

It was, Hector said, drafted by the fertilizer and pesticide technical committee of the Department of Agriculture.

That committee includes the heads of the agriculture experiment stations, and the Agriculture Extension Service. It also includes representatives of the Florida Agriculture Research Institute, a pesticide trade organization; The Florida Citrus Mutual and the Florida Fruit & Vegetable Association.

Hodes' bill would have given the agriculture commissioner the right to draft emergency regulations which would later have to be ratified by the technical committee.

Hector said his substitute would require the committee's approval before any technical rules could be enforced.

This, apparently, is to prevent the commissioner from acting too hastily.

Hodes indicated this shouldn't be much of a problem. Noting that Conner apparently already has the power to rack down on misuse of pesticides, he added:

"They want an appropriation so they can do the job, so obviously they aren't doing it."

[From the Fort Myers (Fla.) News-Press, Mar. 9, 1969]

PROTECTION FROM POISONOUS PESTICIDES

Bills for stricter regulation of the purchase and use of dangerous pesticides in this state are being sponsored in both branches of the Legislature for action at the coming session. But reaction from the industry, from farming interests and from many legislators themselves indicate they will face a rocky road.

At a recent hearing of the House Agriculture Committee on a bill authored by Representative Richard S. Hodes of Tampa, a physician well acquainted with the dangers, members pooh-poohed the need for any legislation. Representative Wayne Mixon of Marianna ascribed the move for stronger controls to emotionalism arising from the case in Arcadia "where some children got it stuffed down them by a deranged person who would have used a knife, probably if it hadn't been for this parathion." Representative Clifford McNulty remarked that "since many children are killed each year by drinking gasoline or kerosene from Coke bottles, shouldn't we regulate them too?" Representative John Jordan of West Palm Beach said, "I haven't heard much about why we need to control pesticides."

But the stark figures of the State Board of Health assuredly show such a need. In 1967, poison control centers in Florida treated 437 patients for pesticide poisoning. In that year there were 17 persons killed accidentally by pesticides—plus 12 who committed suicide with them and the seven Arcadia children who were murdered by parathion. In 1968, with reports still incomplete, there were at least 16 accidental deaths and nine suicides from pesticides.

The bills proposed in the House and Senate would require manufacturers and dealers in certain highly toxic pesticides to obtain licenses from the state agriculture commissioner, require purchasers to obtain permits from the commissioner, and provide for loss of license for dealers selling these pesticides to persons who do not have permits. They also would make it unlawful to use such pesticides or to dispose of the containers in any manner except as instructed on the label or the purchase permit. Further they would provide that improper use of such pesticides resulting in injury or death would be prima facie evidence of gross negligence.

Farm operators and representatives of the fertilizer and pesticide industry are resisting these proposals on the ground that they would prove burdensome. No doubt they would, but some burden is amply justifiable for the sake of safeguarding farm workers, household gardeners and the general public, including little children, from the dangers that some of the highly poisonous pesticides definitely pose.

[From the Palm Beach Post, Mar. 27, 1969]

GLADES PARATHION LEAKAGE CAUSES NEAR MAJOR TRAGEDY; 100 TREATED

(By Iz Nachman, Glades Bureau Chief)

BELLE GLADE.—A major tragedy was barely averted here early Wednesday when a 55-gallon drum of liquid parathion sprang a leak and the packinghouse area on NW 12th Street was evacuated by city police, early Wednesday.

Approximately 100 workers in the area, including five city policemen, were taken to Glades General Hospital for emergency treatment, according to Chief Charles D. Goodlet, or were treated at a local physician's office.

The deadly insecticide was located leaking from a container in the McCurdy-Mitchell Supply Co., 900 NW 12th Street, manufacturers and distributors of chemicals used by sugar cane and vegetable growers.

Sgt. Clyde Lamb, Patrolmen Danny Stanley, Richard Christian, Wayne McSwain and Detective Horace Mann, who were investigating the "peculiar odor" that was being whipped along by a west wind, were relieved of their duties early, after being treated at the hospital.

Lamb and Stanley said they first thought a gas leak had occurred in the area and Vernon Dexter, manager of the Glades Gas Co., was summoned.

After checking the area, plus the cooling systems of the packinghouses nearby, Dexter could find no gas leaks and McSwain finally located the liquid parathion dripping under the front of the chemical company warehouse.

Several workers at the Sam Senter packinghouse, 925 NW 12th Street, were the first to report the "sweet smell" but did not pay any attention to it, according to John Cochran, platform foreman, until their eyes began to smart and their exposed flesh began to tingle.

At 11:08 p.m. a nightwatchman in the area, Walter West, complained of feeling ill and police were summoned.

Beginning at midnight, there was a steady stream of packinghouse workers to the emergency room at the hospital.

Ben Clarke, administrator, said the physician on duty and the emergency room nurse and assistants were kept busy administering to the workers who were believed to have come in contact with the lethal vapor, until 5:10 a.m.

Goodlett said he feared the entire area would have to be evacuated, as the wind was blowing fumes more than a half-mile from the area of the leak.

In order to prevent any serious illness, the Senter facility, the Six L's Packinghouse, 390 NW 12th St., the Wilkinsin-Cooper Produce, Inc., 701 NW 12th St., and the Kermit Chapman Sons, Inc., 1008 NW Railroad Ave., were evacuated.

Police attempted to contact and warn everyone who had been in the area to report to a physician for examination.

The physician who handled most of the examinations reported using a quantity of atropine injections as an antidote for the poison.

Requesting that his name not be used, the physician said:

"I would like to see chemical of this potency removed from within the city limits.

"If there had been a fire or explosion, we would have had a real catastrophe here today."

As it was, the physician reported some of the victims, who complained of a "thickness of the tongue," irritated eyes and burning skin sensation did not appear to have been ill enough to warrant hospitalization.

Goodlett said he discussed the near tragedy with City Manager William H. Mallery. It is possible the city commission will be requested to take action to eliminate a repeat of the incident.

The liquid parathion, which is used to manufacture the sprays and dusts used in the produce business, is considered one of the deadliest of poisons, the medical authority reported.

There was no danger of the produce being packed and shipped from the area being contaminated, officials said.

The area under the warehouse was washed down and after the large concentration of the liquid was dissipated, a quantity of fresh dirt was used to cover the area, Goodlett said.

[From the Fort Myers (Fla.) News-Press, Mar. 28, 1969]

DEADLY PARATHION SPILLS OVER TRAIL

(News-Press Bureau)

NAPLES.—Collier County deputies and the Florida Highway Patrol guarded two spots on the Tamiami Trail Thursday where a deadly agricultural poison, parathion, had spilled from an unknown truck.

Health Department Sanitarian Bennie Jones said he was making a search for a supply of caustic soda, a chemical used to neutralize the organic phosphate which is sprayed ordinarily from airplanes over farm crop fields.

The material spilled along the Trail near the Coral Sands Motel east of Naples and near the intersection of the Trail with S. R. 92 at Royal Palm Hammock is 1½ per cent parathion in sulfur, Jones said.

He warned it is poisonous to human beings and can be absorbed through the skin.

Soon after the spillage was reported around 3 p.m. Thursday, the health department ordered loads of dirt spread over the powdered chemical to prevent its flowing through the yards of nearby residents, motels and businesses, Jones said.

The sanitarian said flushing the poison away with water was rejected because drainage ditches would carry the chemical into the same potentially hazardous areas.

Jones said the Dade County Pest Control Office recommended using caustic soda to neutralize the parathion, but "our efforts the first couple of hours at least did not turn up any supply of the soda."

He said drugstores, farm supply houses, seed and chemical plants and others are being asked to send the caustic soda if it is available.

APPENDIX B–2

Pesticides—Affidavits

Petition

We, the undersigned petitioners, do hereby state that planes do spray the nearby fields almost daily for four to six weeks each year while the corn is growing, with the following harmful effects:

1. Children, when they walk to school, come in direct contact with the spray which still hangs in the air at that time of the morning.
2. No warning is given, and often spray enters the homes falling on food as well as pets and children.
3. Clothes on the line are affected by the spray and can absorb enough to irritate when worn.
4. Sinus conditions and allergies are severely aggravated by the spray,
5. The planes are not always careful of wind conditions, thus causing more severe damage.

Wherefore, we, the undersigned, ask that:

Legislation be enacted to provide for the adequate protection of the health, safety, and welfare of the inhabitants of the area; this includes:

(*a*) Warning in advance of the time and dates of spraying;

(*b*) Only spray not harmful to people or animals be used in the proximity of houses and especially schools;

(*c*) That spraying never be done on windy days.

(*d*) That we, the petitioners are all permanent residents of Palm Beach County, Florida.

From: ——— ———
Date: December 8, 1967.
Time: December 7, 1967 at 3:30 P.M.
Place: The Fort Myers' office.
Subject: Parathion spraying out of the Immokalee Airport.

——— ——— is a 39-year-old Porto Rican man. He is the father of five children ———. Florida.

Attitude: ——— ——— feels that he has a very good job with ——— ——— would not like to jeopardize his position. But is very concerned with the dangers of poisons having lost a child through an accidental poisoning.

Interview: ——— ——— stated that he has been employed by ——— ——— for the last three months. ——— at the direction ——— ——— picked up 40 fifty-pound paper sacks of parathion at the ———. These sacks amounted to a total weight of 2,000 lbs. were ordered by the ——— and were ordered for ——— took these sacks from ——— to the ——— shed at the ——— Airport where they were stored until the next morning. On the next morning fully half of them were used by ——— in the period of two hours from 7:00 A.M. until 9:00 A.M. to spray orange groves for the ——— ———. The next morning the whole thing was repeated and the 2,000 lbs. were used up. The material was loaded on to the planes in a dry condition it is not mixed before spraying but sprayed on dry and this is the reason for spraying it on from 7:00 A.M. until 9:00 A.M. because the ground hopefully is still damp and will catch the material and prevent it from blowing away and in this way you are able to put it on in heavier solution.

Note: It is very likely that this common habit of spraying in this manner would catch workers in the fields since they are out from well before 9:00 A.M.

The Material: Parathion in its pre-mixed stage looks like a yellow floury substance. It comes in double layered paper bags.

——— ——— flies a ——— one-engine plane with numerals on it. This very much fits the description of the plane that sprayed the ———.

Other materials. ——— ——— said that the material most used by ——— ——— is calcium nitrate. ——— showed me three different receipts from the ———, these receipts were for calcium nitrate purchases. One receipt was for 80–100 pound bags of calcium nitrate at the price of $4.00. ——— stated that calcium nitrate is sprayed from the plane in its unmixed form, in this form it is a milky colored pebbly substance ——— stated that when he uses it if he is pretty sweaty at the time and it gets on his clothes it has the effect of Clorax in that it bleaches out the colors. ——— ——— has not come across the use of malathion by ———, and the above related use of parathion on two days ——— was the only time he has experienced the use of parathion by ——— during his three months with ———.

Precautions: Contrary to the article in the Fort Myers News-Press relating the extent of protection that these pilots demand for their employees, ——— relates that ——— provided no clothing for him; ——— does not even supply gloves for his employees. The material, parathion, is loaded onto the planes by ——— and ——— a fellow employee of ———. They simply split open the bags of parathion at one end lift it and dump it into the tank on the plane, there is no liquid in this tank, it is a dry tank. Dust often blows from the parathion. ——— only complaint so far from these two days use of parathion was that it makes his eyes burn, so that he must rinse them with cold water. He has noticed no change in his eyesight as of now. ——— only advice to them was to wash their clothes when they returned home on these days.

Wages: ——— ——— both received their normal wage of $1.25 per hour while working with these dangerous chemicals.

COMPANIES SELLING THESE MATERIALS

CONCLUSIONS

It is very interesting to note the lack of precautions for the employees using these chemicals, I think continued lack of supervision such as is present can only lead to tragedy. The chemical calicum nitrate described by ——— sounds very much like the chemical that was sprayed on the ——— plane also fits the description of the plane which sprayed the ———.

We intend to pursue our contact with ——— fellow employes.

My name is ——— ———. I am a mother of five children and reside at the ——— Farm Camp, ———. I have lived in Florida since 1954.

——— in October of 1967, I, together with ——— (last name unknown), ——— (last name unknown), was working in the field of ——— ——— in Palm Beach County, Florida, in or near ———. We were planting the last seedling next to the canal (ditch) while full grown bearing trees were being sprayed by a man ——— on a tractor by holding a spray in his hand and spraying it over the trees as the tractor went from row to row. A strong wind was blowing at the time and in passing where I was working, the spray material flew into my face before I could turn my head away from it. I felt a burning in my right eye. One of my colleagues said "I don't understand why they are spraying now and it is so windy."

There was no opportunity for me to wash my face at the area where I was working, but when I came home from work, I told my husband what had happened and he did not want me to go back to work as my right eye was burning me but I did go back.

The following morning when I woke up, the vision of my right eye was blurred and I could not go to my regular doctor, Dr. ———, Delray Beach, Florida, as he does not open his office on Wednesday. The next morning (Thursday), I went to see him (my doctor). He examined my eyes and he asked me what field (farm) I was working on, and I told him I was working in the orange groves. He asked me what kind of spray they used there and I told him I did not know and he said I got spray poison in my eye.

The doctor checked my left eye and said it was not affected. He said "You're lucky it missed one eye."

I went back to work after seeing the doctor at 1:00 p.m. and I gave a note from the doctor to ——— ——— Foreman of the ——— who cannot read and his ———, read it to him, and he ——— remarked that the doctor is crazy, he does not know what he is talking about. He said "We don't use any poison spray around here," and then he told me the kind of spray being used, the name of which begins with "E".

I went back to see ——— ——— every week since the incident, and 3 weeks ago my vision in the right eye got worse and I can barely see light now. ——— ——— recommended that I see another doctor and sent me to Dr. ———-

of Delray Beach, who said he would talk to ——— after he examined me. I saw ——— once and have continued to see ———.

I have worked for ——— for two days since the injury to my eye and I have tried to work at other places, but my sight does not permit me to do so.

On ———, 1967, I had just returned from the doctor's office when I went to collect my mail at ——— Road, when ——— (last name unknown) asked me if I was working. I told her no, and she asked why I was not working. I told her I can't see and she asked, "Is your eye still bothering you?" and I said yes, I can't see and she said ——— told me ——— that he will pay your doctor bill, but you are not going to get paid."

I said, "I know it" and walked on without saying anything else.

On Friday after the incident, ——— asked me for my Social Security number but for two weeks (approximately) before that, I had worked for him and he never asked for it.

I have read this statement of 3 pages, and have received a copy of it; I recognize it to be a true and accurate statement of the facts and swear to it. This statement was also read to me.

My name is ——— ———. I am 40 years old, and a mother of two children. My Social Security Number is ———.

In January of 1967, I was working at ——— farms, in ——— tomato plantation, weeding and they started spraying a liquid insecticide with tractor type machine. The tractor was driven by a Puerto Rican whose name I do not know.

I, among others, was not told that spraying would be done—they just started doing it. It was a windy day and the spray caught all of us. It happened early in the morning and I was unable to get any water to wash off the parts of my body which were touched by the spray material. I worked throughout the day and then went home late evening when I began to feel irritation.

About a week later, I noticed my skin became dry and cracked and I went to ——— Hospital ———, where I was examined and treated by Dr. ——— and was hospitalized for four weeks. When I was being discharged, I was given medicine to take at home.

After leaving the hospital, I went back to work but not at the same place because I was afraid of the spray.

The hospital bill was charged to my husband and it has not yet been paid. Copy of bill herewith attached.

I have read this one page statement and have received a copy of it; I recognize it to be a true accurate to it. This statement was also read to ? ? recognize it to be a true and accurate statement of the facts and swear to it. This statement was also read to me.

My name is ——— ———, Negro male, age 49. I live at ———, Delray Beach, Florida. My Social Security No. is ———.

Approximately 3 or 4 years ago, I was working at ——— Farms on ——— Farm. I was employed as a sprayer at this particular time. I was riding a sprayer that was being pulled by a tractor. I was not wearing a mask and I inhaled some of the mixture containing Parathion and other chemicals of which I do not know the name.

I became very ill and started vomiting. I left the farm and came to Dr. ——— ——— and was treated and given a prescription to be filled. I did not go to the hospital; however, I vomited quite frequently afterward.

The man I worked for paid my doctor's bill.

I have read this one page statement which I have given free and voluntarily with no promise of compensation or otherwise, and recognize it to be a true and accurate statement of the facts and swear to it. I have received a copy of it.

My name is ——— ———. I am 31 years of age, married and have two children. I reside at ———, ———, Florida. My Social Security number is ———.

In November of 1965, I was employed by ——— Inc., ——— as a plane loader for planes that do crop dusting. I was mixing a liquid spray material containing Sytox and in the process of mixing it, some spilled on my feet. I was wearing white canvas shoes. I felt no discomfort then, but about 7:00 p.m. of the same day at home, I began feeling weak and started to vomit. My wife, ——— called my employer ———, and told him that I was sick. He replied "I'll be there." He came as promised and told me that he would pay the doctor bill if it was a case of poisoning from the stuff I had handled at his place.

Mr. ——— took me, accompanied by my wife, to ——— Beach, where I was examined and treated and sent home. Two days later, I went back to the doctor who had treated me at the hospital, a ——— I believe, as he had instructed me and he re-examined me and gave some medicine and told me to return a couple of days later. I did so and he told me then that I could return to work but not to handle the same chemicals for some time.

I did as I was told and worked there for another year and then I left this firm and found other suitable employment at ——— and I have had no trouble since that time. My medical care bill was paid by ——— and I was paid my salary while I was sick.

I have read the foregoing two page statement of mine which I have given voluntarily and of my own free will and it is true.

AFFIDAVIT

My name is ——— ———. I am 24 years of age, married and the father of six children. My Social Security number ———.

On December —, 1967 I was working at ——— driving a tractor with a spray rig attached to it for spraying squash.

During the operation, one of the nozzles became blocked and I climbed down from the tractor to clear it. While doing this, the cut-off switch was broken and the liquid spilled near my face before I could move away, I breathed in some of the fine particles.

About five minutes later I began to feel sick, started to vomit and this lasted for about one hour.

I reported this matter to my boss ——— he said "you are lying. I cannot believe that you inhaled any of the poison".

I did not go to a doctor, my wife gave me some home remedy and this helped a lot.

I remained in bed from the Saturday until Tuesday of the next week. I did not go back there to work, I got another job elsewhere.

The mixture for spraying as far as I can remember contained Parathion, Sulphur, SM 3 Research and something else.

Even though I was given the job of Sprayer at the Farm I was not given any protective clothing—such as gloves, masks, etc. by the manager.

I have read the foregoing two page statement of mine which I have given voluntarily and of my own free will and it is true.

My name is ——— ———, 31 years of age.

I work in my parent's grocery and restaurant business at ——— in the heart of the agricultural area.

Spraying of cornfields by aircraft is done in this neighborhood from time to time without any notice being given to my parents or other residents here.

Food in the restaurant, clothes in the home, children playing in the yards – all are exposed to contamination.

There have been cases where sinus conditions have been known to be aggravated due to this spraying.

At this time of the season, spraying is done almost daily.

I have read the foregoing statement and find it to be true and accurate. I have been given a copy of this, my statement.

AFFIDAVIT

My name ——— ——— I am a twenty-nine year old Mexican-American. I am married and the father of five children. My Social Security number —— I reside in ——— Immokalee, Florida. My mailing address is Post Office Box ———.

In the fall of 1957 while I was working for ——— a farmer in Immokalee, I was sprayed with parathion.

I was operating a tractor that was used to spray parathion. I was mixing a batch of parathion in the tank on the back of the tractor, when a hose burst and sprayed parathion all over my face. Some of it got into my mouth and I swallowed some.

Three days later I was very sick with stomach cramps and I was sick to my stomach. I went to Doctor ——— and he treated me three or four times during the next two months, I missed two months from work.

Doctor ——— told me it was parathion poisoning. ——— gave me no money at all for time missed or for doctor expenses.

Even today I get sick with headaches and stomach aches from this. Right now, and for the last year, the right side of my face has been paralyzed.

When I was sprayed, I was not wearing any kind of protective garments. the farmer did not give me any. Most farmers still don't give out protective garments to those who are going to use the parathion.

I was using powdered parathion which looks like flour, it was a creamy color. I mixed it with water from a ditch so as to make a liquid that was used to spray.

Parathion also comes already mixed and also in chunks.

Parathion is used on nearly all types of ground crops, tomatoes, cukes, melons, etc. It is very good for killing worms.

I have had this statement of three pages read to me, and I have received a copy of it. I recognize it to be a true statement of the facts.

AFFIDAVIT

My name is ——— ——— my Social Security number is ———. I am 18 years old. I am married now and my married name is ———, my husband's name is ———. I have been married ———. I live at Fort Myers, Florida.

Last March (1967) I went to work with my mother and father and brother ——— at ——— farm in Collier County. The one next to ———. We worked on the day in question for ———.

On this day a ——— plane flew over the fields we were working in and sprayed us with some chemical made of little pellets that were white. The plane must have seen us because it was flying at a height lower than the trees and we could see the pilot who was a white man.

I was dressed so as to be well covered, I had two shirts that covered me down to my hands so that the pellets didn't get on to my skin. My mom and brother were dressed the same, but my father only had on a thin white shirt which was sticking because he was very wet with sweat, and therefore this stuff, chemicals, stuck to the shirt and mixed with the sweat to become a gummy substance on his back.

The plane sprayed us with stuff in the field from about one o'clock to about 4:30 P.M. when it quit for the day.

Most of the people complained of a headache that day from the fumes from the stuff that was sprayed, we all had bad headaches that night. I was dizzy.

I wanted to quit but I was afraid to because they get mad if you quit and it would be hard to get another job picking if they spread it around that you were a bad worker.

When we got home that night my father's back was all broken out and the next day it was covered with bleeding sores and was peeling. He lost several days work from this and his back is still covered with bleeding sores today.

The clothes I had on that day fell apart when they were washed. I don't think it was from being old, but from the chemicals that got on them that day. The same thing happened to my parents and brother's clothes.

I was wearing gloves that day so that my hands did not become irritated, but the gloves were ruined they became sticky and fell apart.

There were no toilet facilities at the ——— camp, and no one asked me for my Social Security number.

I have read this statement of four pages, and received a copy of it, and I recognize it to be a true and accurate statement of the facts and swear to it.

AFFIDAVIT

My name is ——— ———. I am a 21-year-old Indian man. I reside at ———, Fort Myers, Florida, with my parents.

In March, 1967, I was working with ——— crew picking tomatoes at the ——— farm in Collier County near the ———.

On the day in question I was working in the fields with my parents and my sister.

We had worked all morning picking tomatoes. At about mid-morning I noticed an airplane spraying the crops in another part of the field. I did not notice at that time whether there were people in the part of the field being sprayed. Just before the lunch break the plane flew over the part of the field where we were and where most of the people were. As the plane began to spray my father told us to duck down and cover our faces so we would not get sprayed in the face. Some of the people ran to the buses and got in them or under them to keep from getting sprayed. The plane was flying at about tree-top level, close enough to the ground that you could see the pilot. The plane continued to spray the area where all the people were for at least fifteen minutes the first time and then came back later that afternoon and sprayed the fields where the people were two more times.

The stuff that was being sprayed on us was white colored, and was in the form of tiny little pellets or beads. They would stick to your skin and dissolve as you sweated. I had two shirts on so my skin was not burned by the stuff but my father only had a thin shirt on and his skin itched and burned from the stuff.

My father's back began to develop red lumps all over it on the way home to Fort Myers that night, and later that night his back began to bleed. My father missed about six days of work because his back burned and pained him so much. Even now the sores on his back will open up and bleed and cause him to miss work. The rest of my family was better dressed, with several layers of clothes on, so they did not get burned either, but we all had headaches that night and a lot of the other people on the bus complained of headaches too.

My sister ——— had a black blouse on that day, and when we got back from the fields that night the back of the blouse was bleached out gray from the stuff that was sprayed on us.

I have read the above statement, consisting of three pages, and it is true and correct to the best of my knowledge. I have received a copy of this statement.

AFFIDAVIT

My name is ——— ——— my Social Security number is ——— I am an Indian woman of 46 years. I am the mother of six children. My husband ———. I live at ——— Fort Myers, Florida.

This past March (1967) I went to ——— farms by Collier County ——— with my husband ———, and my son ——— and daughter ——— to pick tomatoes with ——— ——— crew.

On the day we're talking about it was very hot and my husband was only wearing a light thin shirt. While the rest of us had on two shirts at least one of which was long sleeved.

After we had been working a while my husband became soaked with perspiration and his shirt was dripping wet.

About this time a ——— plane flew over us at about tree level height and sprayed us with a pebble like substance, the stuff was white colored and in tiny pieces. It soon mixed with the sweat on my husband's back and got like a pasty flour like stuff. His back soon became itchy.

This chemical didn't get on me because I was better covered, I was wearing a long sleeve shirt (two shirts) and a big brimmed hat, that covered my face. My children were also dressed like this so the stuff didn't get on them.

We complained but no one did anything and continued to fly over us spraying us for the whole afternoon. We quit early about 4:30 P.M.

When we got home my husband's back was very sore, and I washed it with warm water, and alcohol. The next day it was broken out like a bad burn with bleeding sores, and the skin was peeling. We could not afford a doctor so I treated it with Mexana powder.

I wish I had run to hide under the truck when the plane sprayed, some few people did. I wish my husband had.

My hands and face were irritated from the chemical that night, and itched me very much, but my hands are used to this stuff and they did not break out, neither did my husband's since they were very used to chemicals from picking, also they are very calloused.

A lot of people had very bad headaches that day, as I did.

My husband's back is still scarred from this injury, and he still has sores that bleed sometime, this has caused him to miss time from work and made him sick.

There were no toilet facilities at the ——— farm and no one, either the farmer or ———, took my Social Security number.

I have had this statement of four pages read to me and received a copy of it I recognize to be a true and accurate statement of the facts, and swear to it.

AFFIDAVIT

My name is ——— ——— I am an Indian man of 47 years. I am the father of six children. I reside at ——— Fort Myers, Florida. I have lived in Fort Myers for one year.

Last March (1967) I was working picking tomatoes, with ———'s crew at ——— farm in Collier County next to the Collier County ———. At this time I was residing at apartment ———, and working with ——— crew.

On the day in question I and my wife ——— and my two oldest children ——— were all working at ——— farm. We had worked all morning picking tomatoes and were about to break for lunch when a plane flew over the fields. The plane started spraying the fields while workers were still picking in the fields. The stuff he was spraying fell on me. I was very hot at the time and was soaking with sweat, so that the chemicals stuck to me. It looked like little white pebbles sort of like tiny beans. It started to itch later on.

It was also all over my wife ——— I told her not to scratch hereself though it itched an awful lot.

The plane continued to spray with us in the field all afternoon. It flew at a height somewhat lower than tree level, and I'm sure the pilot could see us in the field since, we could see him clearly.

At lunch time the lady (Puerto Rican) who runs the lunch wagon for the ——— farm, saw the plane spray us, and commented on what a dumb thing it was to do.

My wife was better covered than I was, she was wearing a big sombrero that day and she didn't get as much of the chemicals on her body as I did.

We knocked off early that day (4:30 P.M.) because of the terrible heat, and went home. We worked, seven hours that day, plus 3½ hours in the bus, for seven dollars ——— paid us.

When I got home my back was really bothering me, I was very swollen and red, my wife washed off my back with water and then alcohol. It still bothered me enough to keep me up that night. My face also broke out that night.

The next morning my back was full of open sores, and my skin started to peel off like I had been burned. I couldn't afford to miss time from work or to go to a doctor so I treated myself.

The local super market owner, at ——— saw my back and recommended I put Mexana medicated powder on it, which I did, this soothed it somewhat, but the sores and irritation are still present on my back today nine months later. Sometimes when I sweat a lot and my shirt irritates my back, these sores will open up and bleed, even today.

I don't know for sure what it was that was sprayed on me last March, but a lot of people that day said that it would burn you if it got on you and it sure did that to me. Some people picking that day said it was some kind of insecticide. A lot of people had very bad headaches that day, and one colored lady fainted in the field and was sick.

I eventually lost over a week's work from this injury, and still I am forced to stay home sometimes when my back starts to bleed.

I was much less covered than my wife or children that day, they had double shirts on, buttoned to the hands, while I had only a thin white shirt on. This shirt rotted right through on the back from the mixture of sweat and chemicals on my back. All the clothes that my family had on that day fell apart when they were washed. My daughter ——— had on a black blouse that day and when we got home it was bleached a cream color on the back.

I complained to the Logger, ——— a light complected negro man, about being sprayed but he said there was nothing he could do about it.

The plane was ——— color, with some numbers, I don't remember any name on it. One engine was all it had. It was flown by a white man, I couldn't recognize him. Nobody told us anything about him coming or to get out of the field or anything.

There are no toilets in the field out there and you have to go in the ditches of the field if nature calls.

No one took or asked for my Social Security number that day at ——— has never asked me for my Social Security number. Nor has he taken any wages to go towards my social security or that of my family. My social Security number is ———.

I have read this statement of six pages, and received a copy of it, I recognize it to be a true and accurate statement of the facts and swear to it. This statement was also read to me.

STATEMENT

My name is ——— ———, I am a 37 year old man of Mexican-American ancestry. I live in Immokalee, Florida; my mailing address is ———, Immokalee.

I have worked on farms in the area of Immokalee since 1951, driving tractors for the farmers. I have used Parathion to spray the fields the entire time I have done this kind of work.

Normally the tractor will pull a big spraying rig behind it that holds about 500 gallons of water mixed with Parathion. The rig sprays the Parathion over five rows at a time. The liquid is milky white.

I have sprayed the fields of lots of farmers while the workers are still in the fields. Normally I wear a respirator over my face to keep from breathing the spray, but I wear normal work clothes.

Some farmers will not spray the fields with Parathion while workers are out in them, but most of the farmers do. The pickers just have to move out of the way while the tractor does the spraying and then go back into the rows and work on the plants while they still wet with the spray. I have seen Parathion dusted from airplanes without being mixed with water, but I do not recall ever seeing any workers in the fields when an airplane was dusting the plants. Normally the planes work at night or in the morning so the dust will stick to the dew on the plants.

Often when Parathion is sprayed from the tractor the wind will blow the spray back on me, and I have seen the spray blow on the workers in the fields, too.

I know the stuff I use when I am spraying is Parathion because I empty the bags containing Parathion into the water tank on the spray. The bags are labelled "Parathion." I normally wear a respirator and gloves when I do this, and I wash my arms and face several times a day when I am working with Parathion.

I have never gotten sick from working around the Parathion, but I know plenty of people in Immokalee who have, but I don't know many of them by name.

The farmers buy their Parathion at the ——— on Highway ——— in Immokalee. The bags the Parathion comes in are white with black writing on them.

When we are done with the bags the Parathion comes in we normally just burn the bags right there in the fields.

I spray most with Parathion after it has rained a lot because the rain washes the crops clean and the bugs will eat the crops.

I have sprayed fields with Parathion and seen the field workers come right along behind me and pick the crop off the plant. I have seen this happen with cucumbers, tomatoes, peppers, and other plants.

Parathion is still used all the time on the farms around Immokalee. I quit spraying about two years ago; now I am a field walker, but I see the Parathion used all the time.

I have had this statement consisting of two pages read to me and it is true and correct to the best of my knowledge. I have received a copy of it.

My name is ——— ———. I am a Negro woman, married, and the mother of twelve children. I am 47 years old.

I have lived in Florida since 1959 and have worked in the fields regularly since that time. I work mainly in Lee and Collier Counties and most of my work is in the tomato, cumcumber, and gladiola fields.

I have worked in fields while they have been sprayed as long as I can remember. I recall many times when I have been working in the fields when they were being sprayed by tractors.

I have worked in tomato fields when the tractors have been spraying the plants. Normally the tractors spray about eight rows at a time. We workers would come in right behind the tractors and prune the tomato plants while they were still wet from the spray. The stuff the tractors spray on the plants is a milky-white liquid.

Most of the spraying I have seen has been in the gladiola fields. Generally when I am out working in the gladiola fields there is a tractor working somewhere in the fields spraying the plants. With the gladiolas the tractors spray about eight rows at a time. The tractors will start at one end of a field we are working and slowly work their way through the field spraying the plants until they get to where we are. We move out of the way while they spray the gladiolas and then we go back to work, working on the plants that have just been sprayed.

Often when the wind is blowing the spray from the tractors will blow right over on us just like rain. I have had the spray blow over on to me just like rain a number of times.

About two or three years ago a neighbor of mine, I cannot remember his name, brought home some powdered stuff from a farm where he had been working on pom-pom flowers. He was using the stuff on some plants in his yard. At that time the bugs were eating up the greens that I was growing in my yard. I told my neighbor this and he gave me some of the powdered stuff and told me to throw it on the ground around my plants and it would stop the bugs from eating the greens. The powdered stuff smelled just like the stuff they use in the fields to spray the plants. About two or three weeks later I and my family ate the greens but none of us got sick. As I recall the powdered stuff also looked just like the stuff the tractors use when they dust the gladiola bulbs. The powdered stuff is gray.

Not long ago, some time after the seven children died from Parathion poisoning in Arcadia, Florida, I happened to tell the man I ride to work with, that I had never seen any parathion. He told me that I had, that the stuff they spray the flowers with is Parathion. I told him about the time I used the powdered stuff on my greens, and that the stuff looked and smelled just like the stuff that is sprayed on the fields. He told me that the stuff was poison and that it was a good thing that I had not eaten the greens right after dusting them or it might have killed me.

Some time shortly after the children died from Parathion poisoning in Arcadia I happened to be working on the ——— Company's gladiola farm in East Naples, Florida. I was planting bulbs at that time. A tractor would come along behind us workers and dust each spot where we had planted a bulb with the same gray powder that I had seen and smelled before. On that same day I saw an empty bag at the end of a row. I picked up the bag and saw the word "Parathion" printed on it. I think the label said either 20% or 50% Parathion or some percentage of Parathion. The bag was laying at the end of a row that had been dusted with the powder. The bag was dry and new looking like it had been there just a short time. I have seen the same green and white bags on the tractors before, but that was the first time I knew it was Parathion.

I never really paid much attention to the spraying and the dusting. Nobody ever told me that some of the stuff they were using was poison. Nobody ever even told me to get out of the way of the spray or the dust, or not to work with the plants when they are wet from the stuff. My oldest daughter, ———, who now is visiting in Alabama, would always have trouble with her hands itching and swelling up when she worked with plants that were wet from the spraying.

I have had the above statement consisting of 3 pages read to me and it is true and correct to the best of my knowledge. I have received a copy of this statement.

Sworn to and ——— December, 1967.

———.

Notary public, State of Florida at Large. My Commission expires Nov. 5, 1971. Bonded through Fred W. Diestelhorst.

AFFIDAVIT

My name is ——— ———. I am a 28-year-old Negro woman. I have lived in the ——— of Fort Myers for six years. I have five children and I am the sole support of them.

During the first couple of weeks I was working at ——— thinning tomatoes. I was taken there by Mr. ——— who drives bus number ——— I got on his bus around 5:30 a.m. and returned home about 6 p.m. For the day's work I received eight dollars ——— and some other ladies were on the bus with me.

While working in the field at ——— I noticed a tractor coming. It was in the afternoon because I had already eaten lunch. It was going down the rows of tomatoes, spraying on both sides as it went. I stood on the side of the field to let the machine go by, but some of the spray still landed on me. I started working again without bothering to wash the spray off.

There are no wash basins in the field and some portable outhouses. They don't have doors and they are dirty, therefore, the people don't use them much.

The next week I noticed that some lumps had broken out on my arms and face. This was caused I think, by the spray used in the field. I believe this because the only time I break out in bumps is when I come into contact with this spray. This has happened to me quite a few times. Whenever the field I am working in is sprayed, I break out in bumps. I usually put green alcohol on these bumps to stop the itching and with its use the bumps go away in about two weeks.

I have been working for ——— for about six weeks and he gives me eight dollars every day that I work for him. I have never given him my Social Security number and he has never asked for it. My number for Social Security is ———. Usually we are gone from home for twelve hours. From 5 a.m. until 6 p.m.

I have read the above statement consisting of two pages and it is true and correct to the best of my knowledge. I have received a copy of this statement.

Sworn to and ——— December, 1967.

My commission expires ———

———.

Statement taken by ———.

My name is ——— ———. I am 31 years of age. I am the mother of 7 children. I am now residing at ———, Belle Glade, Florida. I have been living at this same place for one year and three months.

Last year, 1967, in February, I was working for ——— Farm, and I was cutting leaf stuff. Most of it is called parsley. My face and hands and legs got real bad, also my eyes so I went to see the doctor. (Dr. ——— and ——— in Belle Glade). Both doctors told me that it was the spray that was causing my arms, legs and hands and my eyes also to get red and itchy. They also told me not to go back to the field or I would get worse. Since February, I have not worked for anyone else until January 1968. On the first day of January 1968, I went to work for ———, a crew leader, but, the owner of the farm where I was working I do not know. While I was working for ——— I again got sick. My hands and skin are all breaking and the tips of my fingers are real bad and purple looking inside the skin, also my legs is itching real bad. I have not been to a doctor yet because I don't have any money and ——— told me before I went to work with him that if I took sick that it was nothing he could do about it, it was up to me if I went to work with him and got sick. I would have to pay my own doctor bill. The field that we went to work in had been sprayed the day before and while we were working, another field that was close to where we were was, was been sprayed. All the leaves looked white with spray also another woman who was working in the same field got sick with the spray and quit working. The woman's name is ——— she is also from Belle Glade.

My name is ——— ———. I am a spanish speaking American from ———, Texas. I am 18 years of age. My father's name is ——— ——— who is about 54 years of age. There are six (6) in our family (Brothers and Sisters). My mother's name is ——— ———. About last May of 1967, on last season, I was working in a corn field. We went to work one day, and I got sick, so I stayed home and went to Dr. ——— in Belle Glade and he gave me a shot, which I don't know what kind it was. The next day, I went to work again in the same field of corn, where my job was cutting or pulling corn. About noon that day, I began to feel sick again, also, another man that was also working there got sick. His name is ——— ———, so we came home together. I remember that they had to take him to the doctor right after he got home. I, myself, stayed at home an hour after we came from the field, and then my brother and sister, whose names are as follows: ——— ———., and my sister's name is ———.

They took me to the hospital in Pahokee, Fla., ——— Hospital, where I was kept for three days. After I got out of the hospital, I went to work the next day. At the time I was poisoned, I was working for ———.

Signed ——— ———.

I have read this statement, and have received a copy of it. I recognize it to be a true and accurate statement of the facts and swear to it as the statement read to me.

AFFIDAVIT

My name is ——— ———. I am a 57-year old Negro woman. My Social Security number is ——— I reside at Route ———, Box ———, Fort Myers, Florida. I have lived in Fort Myers, Florida since 1937.

I have worked off and on around this area, in the fields for the last four years. About two years ago I started to break out in a rash around my hands, arms and neck. These areas would swell up, the skin would get dry and itchy, and start to crack and bleed. I only got this way after I have worked on the fields where there was spraying. The spray that bothers me is a milky white colored liquid. It has been said by my co-workers that it is parathion. It smells funny.

It is usually sprayed from the back of a tractor, several rows at a time. I have also been sprayed by an airplane at ——— toward the beach. There were workers in the field while the plane sprayed. The stuff got on me this time, and I broke out like usual. This was around February, 1967. All this time Dr. ——— treated me for the bumps and rash that developed after I was sprayed. I have a prescription for a salve that he gave me, the date on it is February 25, 1967. Prescription ———.

The plane sprayed a milky white stuff.

As I remember the plane that sprayed me at ——— was a ——— plane. It flew at about tree top level, and I'm sure the pilot could see us out in the fields.

I wasn't sprayed again until about the second week in November.

At this time I was sprayed by a tractor. It sprayed me with the same milky white stuff. This was at a farm between Punta Gorda and Fort Myers in Charlotte County. I don't know the name of this farm but it is right close to ——— by a sign that says ———. I was picking squash this time.

I tried to get out of the way of the spray from the tractor but it hit me any way. It hit me all over my face, neck and arms. I had on a long sleeve blouse but it hit me so hard that it soaked through the blouse.

I broke out all over my hands, arms and my neck.

I went to Dr. ———, ——— Avenue in Fort Myers this time, because Dr. ——— is sick now. I have a prescription from ——— Pharmacy (the other prescription is from there too) for some pills that ——— prescribed. This prescription is dated 11/21/67. Prescription number ———.

Dr. ——— told me I can't work in the fields any more because this spray is so bad for me.

Dr. ——— said he had several cases of this caused by spraying.

I went to the owner of the squash farm and told him I couldn't work in the fields any more and showed the scars and marks from the spray, and he said there wasn't anything he could do for me. I had the same experience with the man out ——— earlier this year.

——— was with me when I was sprayed out at Punta Gorda. She once had a rash from this spray but got over it, and hasn't been sprayed since. ——— is my next door neighbor.

When I was sprayed by the plane out at ——— Farm in February the son of a friend of mine, I forget her last name but she lives on ——— Street in Fort Myers, got a bad rash from the spray. I think he was treated by Dr. ——— in Fort Myers.

I haven't been back in the fields for over a month now and I'm still not over the infection and I guess I won't ever work in the fields again.

I was paid a $1.25 per hour at the squash farm and $1.25 per hour at ——— Farm.

Nobody ever warned us at these farms of the danger from this spray and no one ever said get out of the fields while we spray, they just sprayed and expected you to keep working.

——— they took your Social Security number but not at the squash farm.

The farmer paid us out at ——— not the crewleader.

At the squash farm the crew leader, ———, paid us.

I have had this statement of three pages read to me, I have also received a copy of it, I recognize it to be a true and accurate statement of the facts.

STATE OF FLORIDA
County of Lee:
Sworn to and ——— of December, 1967.
My commission expires ———.

——— ———.

Affidavit

I, ——— ———, age 22, was working at ——— farms in Deerfield when in late November a tractor was spraying. There were other people in the field and they never told us to leave. The tractor which was spraying passed about a foot from me. Others ran, but there was a ditch and I could not get out of the way.

I was covered with spray. The same day, about an hour later, I was never told to wash or anything. My legs and chest and arms got running sores which stayed for about 2 weeks. I never told anyone but washed with alcohol. I still itch and have minor sores caused by the spray.

s/ ——— ———.

Sworn and subscribed to before me this 26th day of December, 1967.

s/ ——— ———,
Notary Public.

AFFIDAVIT

I ——— ———, was working in leaf vegetables and was injured by a spray rig with ——— and was working blocking leaf vegetables by hand and received injury to my face and neck which caused me to lose my whole season wages. And I had to ask for compensation which I did not receive until I obtained a lawyer. I inhaled the spray that they sprayed the plants with and which was a lot of expense in which I lost my whole season work to pay expense for doctor bills.

This spray was some kind of posion for the ——— to kill insect and was sprayed on me and caused me to become irritated on my hand and face and neck and was sprayed on me while I was working in the field where they were doing the spraying.

I was not forced or promised anything. I gave this statement voluntarily.

s/ ——— ———.

Witness to this statement: s/ ———.

Sworn to and subscribed before me this 6th day of December, 1967.

s/ ——— ———,
Notary public.

AFFIDAVIT

I ——— ———, am a resident ———, am a mother of 4 kids. I have lived in Belle Glade, Florida for 17 years. Last year in November as I was working on ——— farm putting up celery plants I was carried to the field by ——— at first I started to burning on hand and face, my eyes just burn a little bit. I was sent to the doctor about 2 or 3 days later. I went to doctor ———. He treated me for 3 visit. I was laid off from work for about a week. Doctor ——— told me that he have had 3 or 4 cases of this nature. I did not receive any money for the time I was laidoff. They were taking social security out on me. I have been working for ——— for about 5 years or so.

I have read this statement of one page and received a copy of it. I recognize it to be a true and accurate statement of the facts and swear to it. This statement was also read to me.

s/ ——— ———.

Sworn to and subscribed before me this 14th day of December 1967.

s/ ——— ———.

AFFIDAVIT

My name is ——— ———. I am an British West Indian of 30 years. I am the father of 2 children. I reside at ——— Belle Glade, Florida. I have lived in Belle Glade for 6 years. Last Oct. (1967) I was working on ——— farms working on a tractor when I started to open a bag of insecticide while fixing the trac which held the insecticide not realizing that the insecticide was on the tractor. I got a lot of it on me and inhaled a lot of it then my stomach was very upset. One of the workers carried me to the doctor ——— office. My social security number is ———. There are a lot of guys that have gotten sick from this insecticide on this job. I don't know their names.

I have read this statement of one page, and received a copy of it. I recognize it to be a true and accurate statement of the facts and swear to it. This statement was also read to me.

s/ ——— ———.

Sworn to and subscribed before me this 7th day of December, 1967.

AFFIDAVIT

My name is ——— ———. I am an American Negro name of 37 years. I reside at ———, Belle Glade, Florida. I have lived in Belle Glade for 10 years. Last March of 1964 I was working on ——— farms. I was mixing the insecticide when the drum roll in the canal. Then I tried to get it out. I got in the canal and or I fell in. The water was bubblin and some of it got in my mouth then I began to get dizzie and could barely walk then one of workers carried me to the doctor. His name is ———. He carried me to doctor ———. I stayed sick for about a week and a half. I did not get any compensation for it. My social security number is ———.

I have read this statement of one page and received a copy of it, I recognize it to be a true and accurate statement of facts and swear to it. This statement was also read to me.

s/——— ———.

Sworn to and subscribed before me this 7th day of December, 1967.

AFFIDAVIT

My name is ——— ——— and I am 44 years of age and my family consists of 8 children and me and my wife, who is also 44 years of age. I am now residing as ———, Belle Glade at the time of my injury I was residing at ——— where I was renting from ——— who lives at ——— in Belle Glade. Their telephone No. is ——— in Belle Glade. I don't remember the exact date or day of my injury but this happened in last season in May of 1967. I went to work with ——— who is a spanish speaking contractor. His phone No. is ———, his address I don't recall at this time. We was cutting corn for ———, where ——— was a foreman for such place or farm. We went to work that day we and my wife and daughted and son who's name is ———. The corn field where we was cutting corn had been sprayed the day before but we did not know that till afterwards about noon I began to feel dizzy and sick. When I started feeling sick I also started vomiting very badly. I did not ask any one to take me home because I though it would soon pass over and I could finish my days work. But instead of getting better I got sicker so I went to my truck and just say there till the day was over also in the same day in the same field about 3 others also got sick and were also taken to a doctor. I don't know who their doctors were. After that day was over about 6 or 6:30 I was taken to Doctor ——— at the Hospital of Belle Glade where I was kept 2 days and a half after I was released from the hospital I still felt sick and it was not till after a month that I was able to work and the doctor told me not to go back to the corn or I would get sick again and the next time if smelled the same spray it would be worse. All this time that I was sick the company did not pay me for time lost nor did ——— try to at least get money for me. The only thing that was paid for me was the doctor bill. ——— who was our contractor did not deduct social security from us or anybody else that was working with him at this time. He never even asked me so if I had gotten really hurt where I couldn't work any more. If I kept working for such a place and needed social security benefits I would not have any. So I have been working where they do deduct it from me. I am now working for ——— in the packing house packing carrots and my social security number is ———.

I have read this statement of two pages and received a copy of It. I recognize it to be a true and accurate statement of the facts and swear to it. This statement was also read to me.

Signature: s/——— ———.

Sworn to and subscribed before me this 7th day of Dec. 1967.

s/——— ———.
Notary Public.

Witness to this statement:

s/——— ———.

STATEMENT

My name is ——— ———. I am a 16 year old Negro girl. I live at ———, Harlem Lake. I attend Dunbar Senior High School and I am in the 11th grade.

Sometime in the end of October I went to work in the fields on the weekend. I usually go on the weekends for a little extra money. While in the fields I usually earn about $8 a day. At this particular time I was picking tomatoes, thinning tomatoes and setting plants. I leave the corner of Fountain St. and Anderson Ave. around 6 a.m. with ———. His bus is ——— and has the ——— painted on it. He has never written down my social security number or asked me for it. ——— is my social security number. We usually return from the field about 5:00 or 5:30. The toilets in the field are little tin houses with rags for doors. They are dirty and unsanitary.

I have been sprayed on several occasions while working in the tomatoes. A tractor sprays sometimes twice a day. ——— tells us to move to the side but the spray always blows over on us because the wind is blowing. ——— ———, my sister, has been with me and been sprayed also. She gets bumps on her face but I don't know the cause.

I have read the above statement consisting of one page and it is true and correct to the best of my knowledge. I have received a copy of this statement.

s/ ———————.

s/ ——— ———,
Investigator.

AFFIDAVIT

My name is ——— ———, age 25. I live at ———, Belle Glade. I was working for ——— when I was exposed to the spray they were using to spray the plants. My hands broke out very bad. And I went to Dr. ———. He told me the spray caused them to be that way. When I told Mr. ——— the foreman about it, he told me to stop working out there and I did. My hands stayed sore for 5 weeks during the time I could not work. Before leaving the farm I went into the shed and got some of the parathian and took it home with me because some one told me it was good to kill roaches. What I didn't know is that it could kill me and my children also. It was in the shed in a bag the door was not locked, so a few of us went in. I put some of it behind the bed and my dog went under the bed and got some of it and it killed him the next day. A friend of mine had some and her little girl got hold of it and almost died. Then I knew what the parathian could really do to you, so I stopped putting it in my house. I think all of this could be stopped if the farmers would be a little careful about leaving their sheds unlocked.

I have written this statement and I recognize it to be a true and accurate statement of the facts and swear to it.

s/ ——— ———.

Sworn and subscribed before me this 12th day of January, 1968.

s/ ——— ———.
Notary Public.

AFFIDAVIT

I——— ———, about 9 years ago was working for ——— Farms packing celery at this time. I had been working for about 3 weeks at this place when I got sick. The spray that they put out on the celery made my hands blister very bad. It got to where my hands were completely raw and when I saw that my hands were getting worst I went to see Dr. ———. After he checked me on my hands he told me that it was the spray that was in the celery. It was to strong for me and told me not to go back to work in the celery or I would get sick again. And every since that time I have not worked in the field for no one else to this day. During the time that I was sick that I could not use my hands it made things a little hard for me and my husband ———, age 58 years old. This present time my husband is also working for ———. Since then I myself and my husband have been living in Okeechobee center since 1943. We have no children of our own. Every since that time that my hands were hurt with the spray I have been doing odd jobs. Now I am keeping children for people who are working. I have read this statement of one page and received a copy of it. I recognize it to be a true accurate statement of the facts and swear to it. This statement was also read to me.

s/ ——— ———.

Sworn to and subscribed before me this 18th day of December 1967.

s/ ——— ———.
Notary Public.

STATEMENT

My name is ——— ———. I am the wife of ———. I am 25 years of age and I have 3 children. The children stay in New York. I have lived here since 1963 in ———, Camp, Pahokee, Florida. My address now is ———. About 9 months ago I got some parathian poison from one of the trucks that ——— drives who lives in this camp also. And the reason I got it was because the house that I am living in is infested with roaches and rats and we also found a snake one time so I brought this poison to use in my house. I used it in the house the day we was leaving to go up stream for the season. When we came back I cleaned the house and scrubbed the floors. It was October 23, 1967 when we came back. About November 2, 1967, my sister came to visit me. Her name is ———. And her children ———, one year and 5 months old, ——— about 3 years old. ——— the little baby was playing on the floor and the linoleum got toren close to the door and the baby ——— must have reached under it and got his hand in it. Any way he started vomiting and gaging so we rushed him to the hospital. But when we got there they took him to the emergency room and about 15 or 20 minutes later the doctor came back and said the baby was dead. After examining the baby, Dr. ——— in Everglades Memorial Hospital said that the baby had been poisoned and that he was dead. The baby was buried November 6, 1967, at Port Mazaka Cemetery. The man I got the poison from is named ——— and works for ——— ——— **Farms.**

I have read this statement and know it to be a true and accurate statement of the facts and swear to it.

s/——— ———.

Sworn to and subscribed before me this 27 day of December, 1967.

s/——— ———.

STATEMENT

I, ——— ———, was working for ——— Farms picking tomatoes in late November when I was hit by the spray.

I was working in the field when the spray tractor came. There was no warning. I could not get out of the way although I tried, because there was a ditch in the way.

I had itching and open and running sores on my back, legs and neck. Three weeks later it still itches. I never went to a doctor.

s/——— ———.

Sworn and subscribed to before me this 26th day of December, 1967.

s/——— ———,
Notary Public.

STATEMENT

I ——— ———, age 41, from Puerto Rico, staying at ——— Camp was working at ——— Farm off Military Trail thinning peppers when a spray tractor came by. I was not told to get out of the way. However, I ran to the side. The wind was blowing hard and the spray hit me.

I started itching that day. I started using alcohol. The spray hit me in late November. I had running, open sores on my leg, my eye started running and was closed up in the morning.

I went to the drug store and got morine for my eye and can see but light hurts.

I went twice to the doctor 3 days after being sprayed and again on Friday. The doctor was a negro man at the Delray Medical Center. He gave me a shot and told me to use Epsom Salts and hot water. I still have a bad sore on my leg and cannot see well out of my left eye.

s/——— ———.

Back in 1956 I was driving spray trucks for ——— when the bag broke. I have been having trouble every since.

s/——— ———.

Sworn to and subscribed before me this 26th day of December, 1967.

s/——— ———,
Notary Public.

APPENDIX C–1

HOUSING—NEWSPAPER CLIPPINGS

[From the Miami Herald, Oct. 9, 1968]

COLLIER SUPPORTS LABOR CAMP REINS—70 MEET STATE'S REGULATIONS

(By Tom Morgan)

EAST NAPLES.—State efforts for tighter control of Collier County's 135 labor camps and their thousands of inhabitants were backed Tuesday by the County Commission.

A. W. Morris Jr., director of the Division of Sanitation of the State Board of Health, appeared before the board to seek its views. Appearing with him were Dr. Charles Bradley, County Health Department head and Bob Wheeler, director of environmental health.

"Where will the migrant workers go if we shut the camps down?" asked Chairman Les Whitaker. "And the South Florida Migrant Legal Services will be on our backs if we don't shut them down."

Wheeler said that of 135 camps he has already surveyed 42 and feels that the result will be that 70 will get permits to open and that 35 more will be capable of being brought up to state standards.

"Our timetable will depend on the severity of the violations," Wheeler said.

"We have every confidence," Whitaker said, "that the Health Department will be able to bring about a correction of violations without hardships on the farmers, but we are asking them to obey the laws."

Commissioners agreed the problems is a severe one and that already farmers are suffering from a labor shortage, partly due to a lack of housing.

Wheeler noted that some farmers and camp owners are upgrading their properties by use of trailers, or trailer-type housing that will be put on permanent foundations. Quadruplex housing of concrete block, he said, is already proving useful.

Carl Clemmer, building inspector, pointed out that "only one farmer in 50 ever applies for a permit," and many won't even seek the zoning which would allow them legally to have camps.

The county for many years has fought a continuing battle to regulate labor camps and remove those not meeting state laws. The problem has been, as Clemmer said and Wheeler has pointed out in the past, the camp owners who open up without attention to county rules. These may get through most of a season without being caught in the county's more than a million acres of land.

[From the Fort Myers (Fla.) News-Press, May 22, 1968]

HOUSING FOR FARM LABORERS APPROVED AT POMPANO BEACH

WASHINGTON.—A loan and grant totaling $2,175,000 for the Pompano Beach, Fla. Housing Authority has been approved by the Farmers Home Administration.

Sens. Spessard L. Holland and George A. Smathers of Florida announced the $1,250,000 loan and the $925,000 grant for construction of a housing center for domestic farm laborers.

The center will consist of 100 buildings providing 400 units for families, a garage, a medical clinic, sewer and water systems and paved streets.

[From the Fort Myers (Fla.) News-Press, Mar. 27, 1968]

MIGRANTS FACE SHIFT TO SLUMS

ORLANDO.—A sociologist predicted Tuesday that most of the nation's 3 million migrant farm workers will be condemned to the "shameful corners of the urban ghettos" within the next 10 years.

Dr. Sam Schulman, University of Florida sociology professor, declared that mechanization of crop planting and harvesting already is squeezing migrants out of rural areas.

And in the cities, he told 200 persons attending the three-day eastern states migrants health conference, they will be "living out their lives as dregs."

No more than 10 percent will be retained to operate machines, he said, and the rest will be unwanted in the depopulating little villages and towns. The workers even now are only welcomed during picking seasons, he said.

"The only places which may not wish to, but can and must, make room for future incursions of the squeezed out segments of rural life are the cities—in particular, the slums," he said.

Schulman said farm journals show that "agribusinessmen" have developed a tomato harvester which picks 80 per cent of California's crop, a pickle picker which reduces labor needs by 90 per cent; and a snap bean harvester that cuts cost 75 per cent.

He noted predictions that mechanization will remove the jobs of 12,000 orange pickers in Florida, and that eventually most of the nation's crops will be as machine oriented as wheat production is today.

Schulman said a partial answer is great amounts of new effort and money to avert further deprivation of migrant workers. He said the war on poverty is "the most understaffed, underfinanced and underequipped war our country has ever waged."

However, he said, hope is bleak for additional aid for reeducation and relocation of migrants. They are at least "minimally, gainfully employed," he stated, and many slum dwellers are even worse off.

[From the Miami Herald, Mar. 20, 1969]

LABOR CAMP INJUNCTION SUIT FILED

EAST NAPLES.—The Collier County Commission has filed an injunction suit against a farm firm that has failed to get a permit for a new 54-unit migrant labor camp despite several warnings from the County Health and Building departments.

The petition for an injunction against continued unlicensed use was filed Wednesday against Six-L Packing Co. before Circuit Judge Harold S. Smith.

County Attorney Jim Adams asks for a temporary injunction until a hearing and then a permanent injunction against operation of the camp without a license.

The camp came to the County Commission attention March 11 when Dr. Charles Bradley, Health Department head, pointed out the violations of permits laws for both the health and building departments. The law requires approval by the health group of sanitary facilities before a building permit can be issued.

Lou Lipman, one of the six family members of the camp ownership, and of the 300-acre tomato farm around it, said any permit rule violation was not intentional "but just got ahead of me—I had people begging me for a place to sleep out of the cold."

The camp is located 13 miles southeast of the county seat.

[From the Fort Myers (Fla.) News-Press, June 25, 1969]

COUNTY SHOULD PUSH SANITARY REQUIREMENTS, BOARD IS TOLD

NAPLES.—Insistence on adequate sanitary requirements in labor camps and other areas, Dr. Charles Bradley, Collier County Health Department director told the planning board Tuesday, is essential "for the community to protect itself."

Bradley, and Environmental Health Officer Bob Wheeler, discussed health needs in relation to planning and zoning.

The board is interviewing department heads for planning needs.

"We need expansion of our clinic in Immokalee," Dr. Bradley told the board. "We need expanded medical services both in Immakalee and in Everglades where no resident doctor is available. And much of our migrant housing is still pretty bad. The only cure for some of it is a great big yellow bulldozer.

"I may be pretty pessimistic about efforts to bring to and keep this type of housing to the minimum standards of the state sanitary code.

"And it seems the federal government is not going to help with money so private industry is going to have to build good housing so the border line places will go out because there will be no demand for them."

Board member David Jones, who said he is a "retired farmer," asked Bradley, "Is putting 200 people out in the woods someplace for six months a real sanitary problem, or is it a humanitarian problem for those 200 people? The migrant welfare is no more our problem than that of New York or California. He is a nomad type. You can't tie him to one place," Jones said.

"I think the community has to protect itself," Dr. Bradley replied. He said that he referred to camps "where outhouse facilities allowed children who go to schools to transmit disease organisms to others."

Carl Clemmer, building and zoning official, reported that the county "has a minimum housing code just about ready to deliver. Once adopted we can make an application to HUD (Department of Housing and Urban Development for help with a rather elaborate house development that can rent for as low as $23 a month."

Dr. Bradley added that other considerations should be kept in mind. "We can trace more and more ills to the way people live; living too close, creating a growth in the incidence of disease," he said.

Dr. Bradley told the board his department is starting its own environmental health committee, which is now focusing on the need for increased medical services.

The committee, he said, is made up mostly "of consumers of medical services, ones who are knowledgeable about their own areas."

He repeated the two spots of greatest need are Everglades where no doctor is in residence and in Immokalee.

Bradley and Wheeler also pointed out the great amount of Collier County Gulf Coast Waters classified as No. 2 waters—waters where shellfish grow in abundance.

All such waters from Wiggins Pass south to Marco Island, they reported, are now closed because of pollution levels. The area of Chokeloskee Bay affected by the Barron River at Everglades also is closed.

The health officers said that, with the growth of several types of sewage disposal facilities, an increasing problem would be posed by the need for disposal of solids from such plants and disposal of other solid wastes.

"You," Bradley told the board, "will probably have to get involved in finding sites for solid wastes disposal."

[From the Miami Herald, June 4, 1969]

127 Labor Camp Sites—Good to Dilapidated

(By Tom Morgan)

EAST NAPLES—With 127 labor camps and 600 residences housing migrant labor in conditions from good to dilapidated, Collier County needs more health staff to meet its growing migrant labor problems according to a report submitted Tuesday to the County Commission.

"The trend is toward individual ownership and some positive degree of improvement in conditions is noted," wrote Edward L. King, migrant project sanitarian.

Helping the improvement, King said, is the competition for better type labor, investigations by various agencies, the migrant housing ownership trend, the "genuine interest of the County Commission in solving housing shortages, enforcement of requirements for inside water, bathrooms, and kitchens," and the self-help housing project.

On the debit side the report attacked inability to prevent occupancy of illegal camps, agricultural acreage increases which increases housing need, and the county's inability to qualify for Farm Home Administration housing loans.

The report covered inspection of 127 camps, 94 of them in Immokalee, the center of the 34–300-acre farm empire, and found over 80 percent had public water, but sewage disposal is mainly by septic tank with less than 10 percent connected to treatment plants.

"Garbage and refuse disposal service is available in Immokalee to 80 percent of the migrants," the report said. Most of them do not use it. Farm locations usually have open pits."

The report said most camps have refrigeration available but food handling varies from good to poor depending on families. Central camp messes are satisfactory, but recreation facilities aren't general. Camp maintenance and cleanliness varied directly with inspection frequency.

In the fields conditions are not as good, with no field wells and few water coolers, which are poor because of ice contamination and common cup useage. There are no hand-washing facilities and few field privates so most field sanitation is below standards.

While the health work is now being carried on by a staff of nine, the report concludes a full-time professional health educator and legislative assistance are needed, as are two more sanitarians and another clerk, if monthly inspection of camps is to be done.

The report includes a summary from Don Lander, county agricultural agent, which says Collier's farm acreage rose from 15,000 to 35,000 acres between 1960 and 1966 and may reach 70,000 acres by 1975. Lander said the increase would require more migrant workers because farm crops don't lend themselves to mechanical harvesting.

[From the Miami Herald, July 8, 1969]

Collier Promised Grant for Housing—150 Units Involved in Talks

(By Tom Morgan)

IMMOKALEE.—Federal backing for 150 low income housing units here, the first of a hoped-for 600 such units, has been promised to the Collier County Housing

Authority as the result of a trip to Washington, D.C., by Fred Edenfield, CCHA secretary, and Don Lander, Collier County agricultural extension agent, last week.

Lander said on Monday that details of the proposals will be worked out here July 17 at a meeting of officials of the Farmers Home Administration of the Department of Agriculture with local housing authority members. The meeting will determine what reports and factual information will be required to make possible the housing.

It had been hoped to obtain federal grants to provide all 600 units at a cost of $7 million, but the Washington talks, including two conferences with Rep. Paul Rogers, revealed that this would be impossible, Lander said. He reported there is only $1.7 million in federal funds now available for housing grants for the entire United States.

"Worthwhile housing is badly needed in Immokalee, it was decided," Lander reported, "so it was agreed to start with 150 housing units. The meeting was very encouraging."

Lander reported that while the outright grant was not possible, it appeared probably that a combination grant and loan could be worked out with the loan to be repaid from rentals. The original 150 units could later be added to.

"They want to see us get a good start and it looks like we're going to get it," Lander concluded. "The grant will be a limited amount because there just isn't much money available but the loan was approved in principle."

The projected 600 units would be the largest public housing project south of Fort Myers. Even the preliminary 159 units would be more than any other Collier County low income rental project.

The project, on a site still to be determined, would be in house form and not in apartment blocks, with one to four bedroom groups. There could be four one-bedroom units in a house or two two-bedroom ones and up to the four-bedroom type which would occupy one house.

Immokalee is the center of the Collier County truck farm industry which works about 35,000 acres in a variety of crops from watermelons through peppers and tomatoes and uses up to 10,000 workers, many of them migrants. There are 100 labor camps in the county, but labor housing is always in short supply.

[From the Miami Herald, May 7, 1969]

CAMP CLEANUP MOVES; FOOD PLAN OPPOSED—COMMISSIONERS CRITICIZE UNITED STATES

(By Tom Morgan)

EAST NAPLES.—Collier County is moving to clean up its 130 migrant labor camps, but the County Commission opposed a state operated food program and feels the federal government isn't helping in housing and other migrant health aid efforts.

The word on labor camp plans came from Bob Wheeler, county environmental health director, who said the annual camp survey is being completed and will show some surprising results.

He explained that an "exposure index" is being worked out by multiplying individual camp population by the number of violations in each camp. A camp with 10 residents and 12 violations would have an index of 120.

Violations can run from screens missing in windows to improper sewer facilities or insufficient floor area and window size.

"The index will determine the priority of inspection, which camps will need inspection first," Wheeler explained, "such as any camp with an index over 1,000 of which we have 10 camps, plus eight or more with over a 500 index.

"In 100 camps out of the 130 there were 749 violations, an average of 7.49 violations each of all the rules and regulations," Wheeler said.

"We have 34 camps altogether with eight or more violations so we would say that one third have serious specific violations of the sanitary code. Twenty camps have immediate inspections required and that will be our first job. We are going into permits on these camps and see that they get a permit or get a lawyer."

Wheeler said he could not identify the camps yet since he was speaking from a rough summary of the report which will not be complete for 10 days "and all I have is the first figures, not names."

Dr. Charles Bradley, county health director, protested that the federal government "isn't going to help much" in the field of migrant health. It has supplied a public health physician who works one and a half days weekly in the Immokalee but this is temporary and no permanent doctor is in sight for the $20,000 annual salary provided by the U.S. government through the intervention of Rep. Pau Rogers.

"That $20,000 a year isn't going to make much difference," the doctor said. "Any doctor can go into emergency room service and make $25,000 a year."

The doctor admitted there had been unidentified opposition to adding a doctor in the Immokalee area but Commission Chairman Les Whitaker said "that won't make any difference," and Ewell F. Moore, Immokalee commissioner, added "not as far as I am concerned." Immokalee has one civilian doctor now.

The problem of obtaining a sanitarian to help enforce rules is serious, Dr. Bradley said, and it is doubtful the county can bypass state merit system rules requiring a college degree for the job. He said a degree isn't essential. "I've known a lot of people with college degrees who didn't know much; we're missing a lot of good people because of a lousy regulation."

The doctor said the county is up against a brick wall in efforts to get federal housing aid because the rules are inflexible.

"We don't have minimum housing standards that have been in effect for six months so we're blocked right there on federal housing," the doctor said. "They would take another session of the Legislature and then six months to a year more to implement them so we might as well forget it."

Commissioners unanimously agreed they oppose the proposal of Sen. Lee Weissenborn that every county be required to use either the federal surplus food or food stamp program. Whitaker explained "We'd lose local control to a state welfare system."

[From the Fort Myers (Fla.) News-Press, May 7, 1969]

Regulations Blamed for Housing Trouble

(By Fred Winter)

Naples.—Dr. Charles Bradley, Collier County health department director, told the County Commission Tuesday that federal government requirements make "it almost impossible" to overcome housing deficiences criticized by a Senate investigating committee in Immokalee.

Dr. Bradley listed as problems:

—Regulations requiring a college degree for any sanitarian employed by the Health Department.

—Opposition to having a full time physician to live in Immokalee and serve the health clinic there.

—Federal requirements that the county must have a minimum housing code meeting government minimum standards in effect for six months before federal agencies will even consider giving aid to a housing program.

Some of these requirements are generated at the state level, some at the federal level and some are personal opinions, the director said.

Dr. Bradley said he is puzzled as to how the county can go about providing the housing the senators, headed by George McGovern, thought most important to raise the living conditions of migrants.

CAMPS SURVEYED

Bob Wheeler, county environmental health director, reported to the commission that his department has completed a survey of more than 100 migrant (agricultural) housing camps in the area.

The survey shows an average of 7.9 violations of Health Department standards per camp, Wheeler said. Some camps had as many as 20 violations, he said.

Seven of the camps, he said, had only two minor violations each.

Wheeler told commissioners he has developed an "exposure index" to point toward camps where corrective measures are most urgently needed.

At least 20 camps, he said, need major and minor corrective measures.

But, Wheeler agreed with Dr. Bradley, state regulations make it nearly impossible to employ badly needed sanitarians to discover violations and enforce compliance with sanitary standards.

Application of the results of the survey, Wheeler said, will make it possible for the department to approve camps meeting the standards, to get others up to standard and to give the department the material it needs to take legal action against those that do not comply.

CRACKDOWN SOUGHT

Commissioners took no action on a suggestion from Commissioner Cliff Wenzel to seek legislation permitting the county to crack down on land sellers who do not keep verbal promises to acreage buyers.

Wenzel asked for legislation to halt promises that purchased land would have access by roads unless the access was actually there.

He also wanted the law to cover private construction and maintenance of roads in subdivisions.

Other commissioners felt such practices come within the scope of the Florida Land Sales Board.

Wenzel said it should not be necessary for buyers to hire a lawyer to get the sellers to live up to their promises.

County Attorney James Adams said such cases, not within the plat law and other current structures, must go to the courts if the buyers have a grievance that they cannot resolve with the sellers.

OTHER BUSINESS

In other business the commission:

- Learned the Marco River Bridge to the Isles of Capri is 36 percent complete with 52 percent of the allotted time used. "It is still hoped the bridge will be completed this year," Harmon Turner, county engineer, told the board.
- Found the Water Management Board may have $150,000 available from federal funds for pollution studies because of the new Collier-Dade jetport.

[From the Fort Myers (Fla.) News-Press, May 1, 1969]

BILL WOULD LET MIGRANTS CHOOSE CAMP VISITORS

TALLAHASSEE.—Migrant workers—not the farm owner—would be able to decide who could visit in the work camps under a bill approved Wednesday by the Senate law and order subcommittee.

The measure was approved 4–1 after the sponsor, Sen. Lee Weissenborn, D-Miami, told the group that present trespass laws allow farm owners to keep out lawyers and newsmen who try to talk to the migrants in the labor camps.

The "only humane and decent thing to do" is to treat the migrants the same as other persons who rent, he said.

Sen. Elmer Friday, D-Fort Myers, voted against the proposal. He said it allowed the farmers to "keep con artists and shakedown artists from these people who are the most susceptible."

[From the Fort Myers (Fla.) News-Press, Apr. 28, 1969]

LAWMAKER ADVOCATING MINIMUM HOUSING CODE

TALLAHASSEE.—A legislator who was appalled by living conditions he saw during a migrant labor camp tour says he is researching a state-wide minimum housing code bill.

Rep. Lee Weissenborn, D-Miami, said he is seeking a housing code "with some teeth in it, that's not just applicable to state construction."

Weissenborn said he is working with the State Board of Health in looking into the possibility. However, he added that he doesn't feel chances of passage of such legislation, if introduced, are good.

The Dade County legislator, who was chairman of an interim legislative committee that looked into problems of migrant workers, said conditions he saw at Immokalee were a factor in his proposed legislation.

Weissenborn said he went with members of a U.S. Senate Committee into migrant living quarters and "there were no toilets, no running water; there were kerosene lamps unguarded."

In an interview, Weissenborn said that he feels the Florida Legislature should address itself more directly to the problems of feeding the state's needy and supplying them with housing.

"Everybody's in here with this crime legislation. I'm just as concerned with crime as anybody, but I think the Legislature is not addressing itself to the real problems in this country," Weissenborn said, the key to the migrant workers problem is not to build them temporary homes or take stop-gap measures, but "to get them out of the migrant stream."

Weissenborn already has introduced legislation which would require that every county put into effect either a commodity surplus food distribution program or a food stamp program to feed the needy.

The bill also appropriates $2 million and directs the State Welfare Department to administer the program in every county," Weissenborn said.

Such legislation, he said, is aimed at not only benefiting migrants, but all needy persons.

Another Weissenborn bill calls for establishment of a Division of Migrant Labor, to be under supervision of the lieutenant governor.

"We'd like to formalize some coordination of all the myriad activities in the migrant field," Weissenborn said.

[From the Fort Myers (Fla.) News-Press, Feb. 7, 1969]

THREE INFANTS DIE AS FIRE RAZES HUT

MIAMI.—Three infants were burned to death Thursday when a cooking fire destroyed a tiny wooden home where six young children were in the care of a seventh just 10 years old, according to a Dade County Fire Department official.

The dead youngsters ranged in age from nine months to about 18 months.

Capt. Joe Atwell of the county fire department said the four older children were preparing to cook food about 9 a.m. on a kerosene stove in the 15 by 20 foot frame building.

The building was part of the facilities for migrant workers at the "Mexico City Labor Camp" in the Redlands agricultural area south of Miami.

The dead children were identified by Atwell as Milton Bell, Jr., 1; Yvonne Lewis, nine months; and Bill Washington, 1.

Mrs. Caroline Lewis, mother of the dead girl, collapsed after being brought to the ashes of the hut. The Rev. Stafford Sweeney, regional director of the Community Action Migrant Program, said his workers found Mrs. Lewis.

"We discovered her unconscious in an alley between two cabins," Father Sweeney said "We took her to James Archer Smith Hospital in Homestead."

Father Sweeney's group, a branch of the War on Poverty, took in the families of the other victims to provide what help was needed.

Arson investigators from the sheriff's office roped off the area around the charred spot where the house had stood. Only ashes were left.

More than a hundred workers came in from the fields to crowd in the dusty road and between the other houses—all painted the same drab red—to stand against the ropes and watch silently.

[From the Miami Herald, Apr. 1, 1969]

ATTEMPTS TO IMPROVE PROPERTY FRUSTRATED, DUNBAR OWNERS SAY

(By Steve Ruediger)

(This article focuses on some of the wealthy or prominent Caucasian owners of housing in which the very poor in Lee County live. An article tomorrow will examine the situation of some of the Negro owners.)

FORT MYERS.—There are many types of owners of property in the poor sections of the Dunbar Area of Fort Myers. There are Caucasian owners, Negro owners, wealthy owners and poor owners. They have two things in common—the condition of their property was sharply criticized by the Senate Select Committee on Nutrition and Human Needs, and they all say they would like to be able to improve their property.

The main complaint of the property owners is that they cannot get help to upgrade their property.

Rep. Ted Randell, who has sold most of the property he owned, complained that the federal government had not seemed interested in helping people with a profit motive upgrade their property. He said it was almost as if they considered it a sin to want to make a profit.

Randell said he was one of a group of people who purchased a fairly large amount of Dunbar property about eight years ago. The property was "at least borderline substandard," Randell said.

They purchased the property because they had "elaborate plans" to construct a housing development and help raise the standard of living in the neighborhood, Randell said.

They went to insurance companies and the federal government, Randell said, to seek loans so they could construct a low rent development. The insurance companies said no and we got bound up in red tape and had to give up" when they went to the federal government, according to Randell.

They had lost money on the property, Randell said, but were not pleased "at the condition of the property and were bitter that the insurance companies and the federal government would not provide loans."

The same complaint is heard from present owners of Dunbar property. They say they cannot get loans with a low interest rate to improve their property.

For example, the owner of Bookers' Alley said he has had plans prepared for a modern development there for some time, but is stopped by the eight percent interest rate for a loan.

Bookers' Alley received the strongest criticism of any place visited by Sen. George McGovern. He called it an indescribable development of 24 shacks."

Bookers' Alley is owned, as are a number of other Dunbar properties, by a member of one of the oldest families in Lee County. It is inherited property, as are a number of other parcels of Dunbar property.

Gilmer Heitman said, I don't want Bookers' Alley and I don't know what to do with it."

He said he charges either $11 or $12.50 a week for each of his units. Heitman pointed out that he did not collect that much. His records show that he is currently owed $581.50 in back rent, by current tenants.

Heitman also said he has to pay for the water, for trash collecting, sales taxes, utility taxes, and all maintenance.

Heitman said he has two maintenance men upgrading the property and repairing things like broken windows. They also are adding inside walls to all the old houses.

Heitman's records show that one woman owes $243 in back rent. Asked about this, he said her husband and father had died so he was letting her rent payments ride.

Heitman pointed out that a number of the people who rent from him sublet the houses by renting out each room.

The whole area around Bookers' Alley is cleaned once a year, according to Heitman.

It could not easily be determined whether he was making money or losing money on Bookers' Alley, according to Heitman, because he did not divide expenditures up between his properties. For example, he said he bought window glass by the case and did not divide up the cost by how many panes were used at Booker's Alley and how many were used at his other properties.

He said federal government policies were one of the things stopping him from building the buildings. He said federal fiscal policy resulted in an eight percent interest rate which made it very costly to build, and the construction of numerous rent supplement housing projects in Fort Myers presented competition in attracting tenants that a private individual could not beat.

[From the Miami Herald, Aug. 25, 1968]

LICENSE ISSUED FOR LABOR CAMP—HOUSING FOR 200 MIGRANTS

EAST NAPLES.—The first labor camp permit for the 1968–69 season has been issued to Basso Farms in North Naples it was announced Saturday by the Collier County Health Department.

The camp is a new one off the Tamiami trail just south of the Lee County line. It will provide housing for 200 migrant farm workers.

"This camp has just been completed and has all the required sewerage and health facilities including water supply," said Bob Wheeler, county environmental health director.

The county licenses all labor camps annually beginning July 1 each year. All camps are subject to frequent Health Department inspection and must meet rules established by the State Board of Health.

The estimates are that up to 14,000 migrant farm workers pour into Collier County every winter to plant, tend and harvest the $40-million truck farm crops of tomatoes, watermelon, peppers, cucumbers and mixed vegetables.

Labor camps to house the workers stretch irregularly north and west from Naples to Immokalee, which is the capital of the Collier farming empire. Most of the camps are in the Oil Well Grade area north of Golden Gate Estates

Wheeler said the issuance of the license to Basso should help refute rumors that the county would not allow labor camps this year. The source of the rumors or the reason behind them is unknown.

The county health official anticipated that other camps will be licensed as they apply and meet county and state requirements.

The county will also continue its crackdown on unlicensed or unhealthy camp areas, including those of operators who sneak old trailers, buses or tents into secluded woody areas in an effort to evade control.

[From the Fort Myers (Fla.) News-Press, Apr. 16, 1969]

ROTARIANS TOLD OF MODEL CITY FOR FARM LABOR

A model city for farm workers located near Fort Myers will be a "turn key" project worth about $5 million when the Housing Authority of Fort Myers gets it, Robert E. Bates told the Fort Myers Rotary Club Tuesday.

Bates, director of the housing authority, said the program is progressing under President Nixon after a temporary nationwide freeze on most poverty programs. The freeze is common in changes of administration, he told the Rotarians.

The first construction will be of 350 housing units, ranging up to six bedroom in size, plus 120 units for the elderly, he said.

"Some of these farm workers have pretty big families," he said of the number of bedrooms planned.

The housing authority will have nothing to do with commercial businesses, factories and other plans for development of the project expected to reach $15 million in value, he said.

But if the first housing group is successful the program will be expanded to the originally planned 850 migrant housing units plus the 120 elderly resident units, he said.

The project was started by the Community Action Fund in Coral Gables, which involved several senators, the Department of Housing and Urban Development and the Department of Labor, among others, as it progressed, Bates said.

PUSHED INTO IT

The project needed a town in an agricultural area with a housing authority, a workable program (for federal fund eligibility) and a vocational school.

"The fact that Fort Myers qualified in every respect pushed us into it," said Bates. "We didn't originate it."

Since the word to proceed came from Washington March 11 the authority has been seeking recommendations from developers on sites. The "turn key" concept is for the developer to submit site recommendation, then after approval submit plans. After agreement, the developer builds. When all is constructed the authority "buys" the completed job as one product.

Bates said the facility will be financed with bonds repaid by rents plus subsidies, just as present housing for the poor operates. Tennants pay 20 per cent of their gross income until the gross income passes the maximum level permitted for occupancy.

New houses around Southward Village and being built throughout Dunbar Helghts areas include "graduates" of Southward Village, Bates said. Each year seven to 15 families "graduate" from the 200 units.

In reply to a question from Ron Gleason he said the sterotyped view of the poor as housewrecking never-do-wells just doesn't bear out in real life.

PROUD OF PROJECT

"When we built Southward Village people said, 'Just wait six months and then see what it looks like.' We are starting our seventh year." City officials take pride in showing visitors the project, he said.

There are some who abuse any privilege, he said. "Every once in a while I find four or five tenants I'd like to shoot," he said with a sigh.

Bates said that in 30 years of housing work, here and in Atlanta, he hadn't seen the poor grow stagnant in public housing, remaining at the same economic level just because it was an acceptable standard.

The farm community, in total aspect, will include small manufacturing plants to take up the slack in the farm season and to provide direction for the young people. This is why a vocational school is desired near the center, said Bates.

Farming is becoming more and more mechanized, he said. Therefore the young adults need vocational training so they will have abilities other than stoop labor.

The authority now operates 200 units in Southward Village with a 98-unit addition planned. There are 450 applicants now. Another development of 100 units will start April 28. Presently 101 units are in use by elderly residents in Bon Aire Towers adjacent to the Fort Myers Country Club golf course. Another tower, almost identical, is planned on Edwards Drive. There are more than 290 applicants for housing for elderly couples and single persons, said Bates.

APPENDIX C–1–a

HOUSING—AFFIDAVITS

TO: ———.
FROM: ———.
DATE: January 1969.
Interviewed: Room N, In presence of her Mother.
Re: Confirmation of FM.

1. ——— ——— is a 25-year-old Negro woman.

2. Miss ——— was recruited for ——— through the State Employment Service of ——— Mississippi.

3. Given ——— bus ticket to ——— and $3.00.

4. Arrived ——— December —, 1968.

5. On Satuurday, December —, 1968 just after midnight Miss ——— was at a cabin at the camp where several men were playing cards. She left this cabin and went to her cabin with ———. They were at their cabin for 15–20 minutes when they lit the stove, moments later they noticed the flame start to grow and spread around the stove, and then around the room, Miss ——— ran to the door but could not get out. The stove then blew up knocking Miss ——— down. Miss ——— received serious burns to nearly 100 per cent of her body. Mr. ——— was also seriously injured and is now at ——— Hospital.

On December —, 1968 the gas had been turned off in this cabin in order to repair the refrigerator, and shortly before the fire Mr. ——— went outside to turn the gas on.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LEE, ss:

My name is ——— ———. I am a Negro, I am a United States citizen, I was born in ———, Mississippi. I was born ——— 1950. I reside at ——— Immokalee, Florida.

I was residing in ———, Mississippi in March 1967 when I heard a radio advertisement, asking people who wanted farm work in Florida to contact the Mississippi Employment Service, in ———. My aunt, ——— ———, and I went to the Mississippi Employment Service and applied for the jobs. I was 16 years old so they told my aunt she would be responsible for me. We were questioned and told we would be working for a Mr. ——— and ——— Company. We received bus tickets for ———, Florida on a ——— bus. The man from the employment service put us on the bus. The ticket cost $31.00 and change. It was already paid for. We were met at the bus stop in ——— by a white man named ——— who runs the bar on the grounds at "Camp ———". He took us in his car to "Camp ———". At the camp we met ——— ———, the camp manager. He told us that we could pay for our bus ticket out of our wages, or get us a man to pay for it. We were given a room to live in by ourselves. It was a tin house, about 12 feet by 12 feet, with two windows, bunk beds, a table, and a wall heater. We had to wash in a large washroom for the women.

We were both put to work at the ——— Company packing house (close to Route ——— north of ———). We were paid by the hour, two to four hours a day. We punched a time card. We only worked there one week. Then we worked in the fields picking tomatoes. We received $10.00 per day for a full day from 8:00 A.M. to 4:30 P.M. with a 30 minute lunch. The pay rate was by the hour $1.25 per hour.

We each had a blue button with a number on it. My number was ———. At the end of each day we were given a ticket with numbers on it, they punched a hole in the ticket where the number representing the number of hours you worked was. Then you took the ticket to the office at the camp and they marked down the number of hours you worked that day next to your number on a sheet of paper. You didn't get any money then, unless you asked for an advance, which they treated as a loan, if you borrowed $3.00 you had to pay back $5.00, they would say you borrowed $5.00. Pay day was Saturday and you got your pay for the week minus any advances, $15.00 for food if you ate at the mess hall, and $6.00 or $15.00 for rent. If you didn't eat at the mess hall you had to buy your food at the camp store. You could do this if you were living with a man in a married house, which came with a stove and refrigerator. The price of food at the camp store was higher, they also sold second hand clothes at the store for very high prices. When you got paid they took out for Social Security. They took out for Social Security from me but I left my card in Mississippi and they didn't have my number.

I continued to work in the fields picking or planting, or laying sticks according to what season of the year it was until December 1968 when I started working in the mess hall kitchen. Where I was paid $71.00 per week. I worked from 3:00 A.M. 'till 9:00 A.M. and 12-noon 'till 9:00 P.M. seven days per week.

I worked at this job until Sunday, January —, 1969 when I left the camp at night with two other girls.

We got a ride to Immokalee with a man and his wife, I don't know their names, they live on the camp and own a car.

We wanted to leave Camp ——— because there is so much beating going on there now. Since Mr. ——— died last summer and Mr. ——— became camp manager the guards are terrible, they and Mr. ——— beat and abuse people constantly.

About five weeks ago there was a fire at the camp which destroyed a cabin, that ——— and ——— were living in. They were both burned and are still in the Hospital. The rumor at the camp was that ———, ———, ———, and ———, four guards at the camp (guards are also called camp boys and they seldom, if ever, work in the fields) had rigged the fire by leaving the gas on in the cabin so that when ———, came in and struck a match he set the place on fire.

Last Saturday night (January —, 1969) a man who just came in from Mississippi on the bus on Wednesday, January — or Thursday, January — was beaten by Mr. ——— and ———.

Then they threw him off the camp without any transportation. He was beaten because a woman who operates as a prostitute on the camp told Mr. ——— that the man had hit her. Mr. ——— got hold of the man and sprayed some chemical in his face which made the man helpless then Mr. ——— and ——— beat and kicked him.

About three weeks ago ——— beat a 16-year-old girl he was living with so badly that ——— and ——— had to carry her to the ——— Hospital. ——— was arrested and spent two days in jail. Apparently the charges were dropped, ——— got him out. The girl was given a bus ticket and sent back to ———, Mississippi.

The guards and Mr. ——— all carry pistols and Mr. ——— once fired his over a man's head, and another time at the feet of a 12-year-old boy who works at the camp.

A man named ——— (about 25 years old) took sick about four months ago. He was a drinker. He was in bed two weeks before ——— took him to the ——— Hospital on a Sunday night. On Monday we heard he was dead. All the time he was sick no one cared for him and he never saw a doctor.

Five or six weeks ago on a Saturday at the tomato field near ——— we kept telling ——— the crew boss that the man was sick but he didn't pay no attention, at 4:00 P.M. ———, a camp boy took him to the camp and put him to bed. He stayed in bed a week, and then he was taken to the hospital. He died in the hospital.

Sometimes when people are sick they are taken to Dr. ———, M.D. of ———, Florida. When I had a miscarriage in March of 1967 I was taken to Dr. ———. He sent a bill to the camp for his services, and the camp charged me double.

There are children (under 16 years of age) on the camp of school age who do not attend school.

Last Wednesday, January —, 1969 at about 5:00 A.M. a gray G.M.A.C. bus with Mississippi license plates arrived with a load of about 40 people from ——— Mississippi. About half these people were children under the age of 16. These children now reside at "Camp ———" and do farm work. The driver of the bus was paid $15.00 per head for the people he brought by ——— (a white man) an employee of ——— Company. The people in turn are docked $25.00 from their pay for the transportation to the camp. All recruits are Negroes. This bus has often made trips like this usually at the same time and bring children.

One child, a 14-year-old girl named ——— (last name unknown) was suffering from some sort of trouble with her tubes, she was taken to Dr. ——— at his office on U.S. — in ———.

Narcotics are regularly sold at the camp by a man from Fort Myers, Florida, with the knowledge of those in direct control of "Camp ———".

I have suffered injury at this camp working in the fields and losing my baby, being kept from leaving the camp, being stolen from, not being paid the minimum wage and being forced to stay on the camp. I am afraid of being forced to go back to the camp.

I have read this statement of five pages and received a copy of it, I recognize it to be a true and accurate statementof the facts, and swear to it.

——— ———.

Sworn to and subscribed before me this — day of ———, 1969.

——— ———,
Notary Public.

My commission expires ———.

AFFIDAVIT

STATE OF FLORIDA
County of Lee, ss:)

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments personally appeared ———, who after first being duly sworn, deposes and says:

My name is ——— ———. I currently reside at ——— Street, Immokalee, Florida. Until October —, 1968 I lived in ———, Georgia and from approximately October 1968 until January, 1969 I resided at ——— a labor camp run by the ———, in ———, Florida. I am currently employed as a farm laborer in the Immokalee, Florida area.

Prior to coming to ——— I was employed as a short order cook in ———, Georgia. I have an 11th Grade education. I am married and my husband remained in ———, Georgia. His name is ——— ———. We have two children, ——— 2 years old and ——— nine months old.

In October of 1968 I went to the state employment office in ———, Georgia in order to find better employment. I met ——— at this office. She had previously worked for the ———, and lived at Camp ———. She told me about the jobs and conditions at Camp ———. She also told me that they needed people at Camp ——— and I welcomed the opportunity for work for I was out of a job at the time. Miss ——— also stated that she had lived and worked at Camp ——— for four years.

On October —, 1968 I was given a bus ticket which was intended for another person. This ticket was for a ——— bus from ———, Georgia to ———, Florida. It was given to me through the state employment office by Mr. ———. I was told that I would make $1.45 an hour for field work and $1.65 an hour in the packing house. I was not told that I would have to pay back the cost of the ticket.

I arrived at ———, Florida on October —, 1968. Mr. ——— picked me up at the bus station and took me to the camp. Upon arrival I was given a $10.00 blue ticket which could be used for food, linen and other necessities. I received one of these tickets upon arrival and a $5.00 ticket subsequently.

We were not absolutely required to buy groceries on the camp but we could not bring liquor on the camp.

From October —, 1968 until late in November 1968 I was only paid net wages of $5.50. I went to the camp authorities to ask why I had been paid so little and they merely responded they had paid three doctor bills for me and that I was not due any money at this time. To the best of my knowledge I did not have three doctor bills while I was at Camp ——— although I was taken to see Dr. ———

on one occasion for gall bladder trouble. During my stay at Camp ——— I had many problems with Mr. ———.

The first of these problems began the day after my arrival on October —, 1968. I was involved in an altercation with him in my cabin. During the course of this altercation he picked my up and threw me on the bed. I hit the wall in the process. He also slapped me down. He accused me of talking about him behind his back. On the next day, October —, 1968 ——— harassed me continually. He was worried that someone else would "go" with me and that he would not be able to. In late November I decided that I should leave Camp ——— because I was not being paid and because of my troubles with ———, I went to Mr. ———, and asked him if I could leave. He said that I could not go because I owed $28.00 to the company. A friend of mine, Mr. ———, went to ——— and tried to talk him into letting me leave. ——— told ——— that if he paid the $28.00 she could go. ——— paid ——— the $28.00 and ——— gave him permission to leave.

Before I left ——— said he would kill me if I tried to leave. This was before the $28.00 was paid. He threatened to throw me in the canal near Camp ———. He took me to this canal and picked me up over his head, but he did not throw me in the canal. I attempted to leave the next day. Before I was able to leave ——— confronted me with a pistol and a knife and threatened to kill me again. He cut off my clothes and left me. ——— left and brought back ——— who asked me, "Why are you leaving?" ——— then cussed me out. I told them that they would have to kill me to stop me from leaving.

I went to Miami with ———. I had been in Miami only a few days when I got a telephone call from Camp ——— from an unknown person. This person said that Miss ——— was sick and in the hospital. I went back to the camp on the ——— of December. When I arrived from Miami at the camp I was beaten up by three girls whom I did not know. I went to ——— ——— to complain but he did not do anything about it.

I went to ———, Georgia for Christmas and came back on Saturday, January —, 1969. On this date which was a Saturday I personally saw ——— spray an old man with an aerosol can full of some unknown substance. During the same evening I was sprayed with that substance when I refused to dance with ———. The substance burned my eyes and made me sneeze. I thought I was going to go blind.

There are also other incidents of other persons being beaten by either ———, or the "camp boys". Just before Christmas a husband and wife from the State of Mississippi wished to leave the camp. They had hired ——— to take them off the camp. When they were ready to leave ——— pulled the man out of the car and hit him one time. They did not leave in the face of this intimidation. They escaped from the camp the next night. The name of the man's wife was ——— and I think the man's name was ———. They both worked at the packing house. On January —, 1969 ——— and a man named —— beat up another gentleman because they accused him of hitting a girl. On January —, 1969 a girl was beaten up by ——— and he was arrested as a result of this beating.

During my stay at Camp ——— it was my opinion that my mail was being opened and read. My mother had sent me some pictures of my sisters. I reecived the letter but not the pictures. The letter indicated in its body that there were some pictures in the envelope as well as a letter. Later ——— was showing the pictures of my sisters around the camp. He would not tell me how he acquired these pictures. The envelopes which I received in this instance was open when the mail was given to me. The way in which the mail was handled is as follows: There was a mail box by the side of the road and one person would pick up the mail from the box and put it on the bar at the camp. ——— usually picked up the mail. You would pick up your mail at the bar from ———. I also think that someone took some mail designated for me that was forwarded from my home in ———, Georgia which was some mail from the ——— Penitentiary.

On January —, 1969 a bus with 42 people arrived from the State of Mississippi. I did not see the bus. Around half of these persons were under 16 years of age and were not accompanied by adults. The man who brought the children to the camp was paid $15.00 for each person he brought by a man named ———.

Persons also used to come from Fort Myers and sell narcotics at the camp. I did not know the names of these persons. They carried on their activities with the full consent of those who operated the camp.

AFFIDAVIT

STATE OF FLORIDA
County of Lee, ss:

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments personally appeared ———, who after first being duly sworn, deposes and says:

My name is ——— ———, I reside at ———, Immokalee, Florida. Up until December —, 1968 I lived in ———, Mississippi and from December —, 1968 until January —, 1969 I lived at Camp ———, ——— Company, ———, Florida. I am currently engaged in farm work in the Immokalee area.

I am a widow my husband, ———, died February —, 1962. I have one child ———, who is in Mississippi with her grandmother. I have a ninth grade education and have done farm work all of my life.

I went to the state employment office in ———, Mississippi and spoke to Mr. ——— regarding finding employment at Camp ——— in ———, Florida. I first learned about Camp ——— through friends who were employed there. On December —, 1968 I left ——— on a ——— bus for employment at Camp ———. I was told by Mr. ——— that when I arrived at Camp ———, I would be given $50.00 to $60.00 per week. I was not told that I would have to pay for my bus ticket. Also with me leaving ——— were the following: ———, ———, and a man named ———. We had papers when we left but these were taken from us when we arrived at Camp ———. We traveled on a ——— bus.

When we arrived at ———, Florida we were picked up at the bus station by a Mr. ———. We were immediately taken to Camp ——— and upon arrival we were given a blue ticket worth $10.00 with which we could purchase linens and other supplies from the company store. My sister and I were assigned to a small cabin with a stove, refrigerator and one bed. There was running water but no indoor toilet facilities. We did not go to work on December — but on December — we were picked up by buses and taken to the fields. In the fields I was shown how to pick tomatoes.

At the end of each day I signed a yellow card with my number — which I assume was to indicate that I had worked that day. During the time I stayed at Camp ——— I was forced to wear a blue button which said on the face of it ——— Company and my number was also scratched on the back of this button. Because of the stories of many beatings and the many confrontations I had seen at the camp between ——— and the "———" and the persons who resided in the camp I became frightened and left on January —, 1969. I told my sister to stay at the camp and I would try to comeback and help her to leave. I went to Immokalee, Florida.

During the entire time that I stayed at Camp ——— I was not paid. I was told that I had established too many credits with the camp and that I did not work enough to pay off these credits. I was charged $6.00 per week for housing. I was charged with the payment of the bus ticket for ———. And I also bought supplies at the company store which were also charged to my salary. Finally I had a doctor bill for $24.00 which arose out of an incident in which I cut my foot. A man named ———, took me to the doctor in ———, Florida. The doctor's name was Dr. ———.

Also during my time at the camp I saw beatings taking place and I also saw persons sprayed with some chemical substance which burned their eyes. All of the persons at the camp were very frightened of ——— and the "———" especially one by the name of ———.

——— ———.

Sworn to and subscribed before me this ——— day of ———, 1969.

——— ———,
Notary Public.

My commission expires ———.

STATE OF FLORIDA
County of Lee, ss:

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments personally appeared ———, who after first being duly sworn, deposes and says:

My name is ———. I reside ——— Street, Immokalee, Florida, I have lived in Immokalee for two weeks. I lived in ———, Mississippi until December —, 1968. I was formerly employed at a field-hand by the ——— Company, ——— Florida.

I am married but presently I am separated from my husband. His name is ——— ——— and he is residing presently in ——— Mississippi. We have no children.

In December of 1968 I called the State Employment Service in ———, Mississippi and spoke to Mr. ———. Two friends of mine were employed by the ——— Company and were living in "Camp ———" near ———, Florida. I wished to join them as soon as possible. Mr. ——— indicated that he could arrange for me to travel to ———, Florida and work at Camp ———. The first meeting with Mr. ——— took place on December —, 1968. There were four persons who wished to go to Florida in my group. In addition to myself there was ———, ———, ———. Mr. ——— inquired as to how soon we could be ready to leave and we said that we could leave the next day. We left ——— Mississippi on a ——— bus on ——— December —, 1968 at ———. Prior to leaving we were told that we would make from $50.00 to $60.00 per week at Camp ———. The employment office gave us the ticket for the bus trip and $3.00 for spending money. We were never told that we would have to pay this money back. We arrived in ———, Florida on December —, 1968 at approximately ———. ——— Company sent ——— to pick us up at the ——— Bus Station.

Upon arriving at Camp —— we were issued a blue ticket which was worth $10.00 and could be used at the store. This ticket could pay for food, linens, etc. It was our understanding that any credits which we assumed by use of this ticket would be taken from our pay. We had no choice whether or not ——— to buy the ticket.

We were assigned to a small cabin which would be our home at Camp ———. I lived in one of these cabins with ———. The room was approximately 10 feet by 12 feet with one bed. There was a refrigerator and a stove. There were no indoor toilet facilities but the cabin did have running water.

We did not work in the fields on December —, 1968, but on December —, 1968 we were taken to the field by bus owned by the camp. We later found out that after these buses left that persons employed by the camp would go house to house to make sure that no one stayed home and everyone went to work on that particular day. When we arrived at the field on December — we were taught how to pick tomatoes. We were never told how much we were suppose to make. We provided our own lunch in the fields. At the end of the day you were given a yellow ticket on which you wrote your number on the back in order to insure that the company knew you worked a full day.

Also during my entire stay at Camp ——— I was required to wear a blue button which had on the face of ——— Company and my assigned number. My assigned number was ———.

The camp employed four persons who were utilized to keep order and to insure that no one left the camp without permission. These persons were ——— and ———.

They were supervised by Mr. ———. During the entire time I was at the camp I saw persons attempt to leave and were beaten in the process and I also heard of stories of persons who were beaten who attempted to leave the camp while still owing money to the company. Also the four persons mentioned above kept strict order and maintained this order by the use of weapons and fists. Many of the beatings which I saw and heard of were unfair. I left the camp on January —, 1969. The reason I left this evening was that there were two beatings at the camp. One of these beatings occurred in a building designated as ———. There was a young man from Mississippi who had allegedly struck a girl at the camp. ——— beat him after ——— a white man knocked him down and kicked him.

When I attempted to leave ——— made some attempt to stop me by holding my bag which I was carrying. He told me that if I leave the police would pick me up because I still owed money to the company. In the face of these threats I got into the car and left the camp. While we were leaving ——— tried to damage the car in any way possible.

During my entire stay at Camp ——— I was paid a total of $10.17. During the rest of the time the slip I was given indicated that I still owed money to the company. We were paid in the following manner: ———.

A white man called ——— would pick up our checks and they would be cashed before we saw these checks. We were paid off on ——— at the office at Camp ———. We received an envelope with a check stub and cash if any was due and owing to us. We never received our actual check.

——— carried a gun almost every day. He used this to intimidate persons into doing what he ordered.

On January —, 1969 a ——— bus arrived from the State of Mississippi. This bus had Mississippi license plates. There were 42 persons on the bus and they were from ———, Mississippi. Approximately half of the persons on the bus were children under the age of 16 years and unaccompanied by any adults. The driver of the bus was paid $15.00 per person by a man known as ———. One of the children who arrived that day was named ———. She was assigned to live with ———. Upon arrival she was very sick with infected female organs and was taken to a Dr. ——— whose office is in ———, Florida.

Whenever anyone was ever sick or injured at the camp they were taken to Dr. ——— office and the cost of such visits were charged against our pay.

Frequently persons from Fort Myers, Florida, whose names I do not know, would come to the camp and sell narcotics. They were admitted to the camp with the permission of those who were in charge. They frequently would stay at the camp for more than one day.

——— ———.

Sworn to and subscribed before me this — day of ———, 1969.

——— ———,
Notary Public.

My commission expires ———.

We were paid by cash not by check. We were given an envelope on every Saturday which contained a check stub and cash. We were never allowed to see our actual checks.

——— ———.

Sworn to and subscribed before me this — day of ———, 1969.

——— ———,
Notary Public.

My commission expires ———.

APPENDIX C–2

FARMS AND MIGRANT LABOR—NEWSPAPER CLIPPINGS

[From the Fort Myers (Fla.) News-Press (undated)]

DADE LEGISLATOR PREPARING BILLS TO AID MIGRANT LABOR

TALLAHASSEE.—Legislation to regulate migrant crew chiefs for the first time and provide more food and benefits to the seasonal farm workers is being proposed by a Dade County lawmaker.

"I think the state should show a little more compassion for the wretches on the bottom, the ones caught in the cycle," said Sen. Lee Weissenborn, chairman of the interim legislative Committee on Migrant Affairs.

He said he feels the state should commit some cash to easing the plight of the migrants, although he said he doesn't know how much it would take.

"Somebody is talking about spending $2.8 million down here for Interama," the Miami Democrat said. "But it seems to me we could spend substantially less and feed some of these people."

He has filed a bill requiring crew chiefs or farm labor contractors to get a certificate from the state before they recruit migrants. The Industrial Commission would be able to establish criteria for certification according to the proposal.

"Particularly in light of the fact that Florida is the third largest employer of migrant farm laborers, there ought to be responsibility somewhere in state government to say who can be crew chiefs so we can weed out the bad eggs and try to give these people some protection," Weissenborn said.

Anbody—"Even an ex-con"—can set himself up as a crew chief now without any controls by the state, he said.

"Nine-tenths of the migrants work through these crew chiefs and some of these guys are really bad," the senator said.

"From evidence that's come to my attention, it's obvious that a large percentage of these crew chiefs who go out and recruit migrants have very little interest in the welfare of the people working under them."

He said that, as a direct result of the recent hearings in Immokalee and Fort Myers of a select U.S. Senate Committee he will also file a bill to require counties to participate in either the commodity food distribution program or the food stamp program.

"Frankly, I'd like to see the financing of the food stamp program done through the state level," he said.

Weissenborn said other bills he will file will extend workmen's compensation benefits to migrants, set up day care centers for the children of migrant laborers, require that migrant camps be inspected by state health officials and apply a minimum housing code to migrants' homes.

"I just think we need to clean up our own house and maybe be a model state in this area," he said.

[From the Fort Myers (Fla.) News-Press, Jan. 23, 1968]

EXPANDING SUGAR INDUSTRY HAS TROUBLE GETTING LABOR

(By Eddie Pertuit)

CLEWISTON.—From 2,000 feet up the haze of smoke from sugar cane fields seems endless. Around Lake Okeechobee, from Moore Haven to Clewiston to South Bay to Canal Point, the fields stretch.

From 198,000 acres of rich muck-loam, the sugar industry is producing 650,000 tons of raw sugar this year. In seven years this industry has grown from an annual production of only 160,000 tons.

This booming industry was shown to newsmen Monday by the Florida Sugar Cane League Inc. The league president, Harry T. Vaughn, told reporters the league merely wanted to display the $110 million industry. But Fred Sikes, vice president of Vaughn's U.S. Sugar Corp., may have given part of the reason for the press tour in discussing the labor problem.

AERIAL MILL VIEW

The all-day look at the industry included an aerial view of all nine member mills and a bus tour through the table-flat, black muckland. During the bus trip, Sikes said "domestic labor" won't take on the task of hacking and stacking the untold thousands of tons of cane. That falls to the "offshore" labor.

A problem here is that the administration in Washsington decides how many "offshore" laborers it will let in.

The "offshore" men, generally Jamaicans, are earning an average of $1.78 an hour, he said. They constitute the bulk of the labor force, or between 8,000 and 9,000 among 13,000 sugar employes, said Sikes.

The "domestic" labor considers the job beneath them, he said. The rest of the sugar industry manpower is domestic, and between 60 and 65 per cent of the mill forces are year round. The mills must be completely broken down, cleaned and repaired and reassembled between seasonal runs, he said.

SEASONAL WORK

The 35 to 40 percent working seasonally could be used in the fields, but they won't take field work, Sikes said. There is cultivating work to be done. But the seasonal workers generally are from upstate and the southeastern states and have other interests, he said.

Cane is seasonal because it wants to grow in the wet summers, said George H. Wedgeworth, president of the Sugar Cane Growers Cooperative of Florida after John B. Boy, executive vice president of United States Sugar, gave a brief rundown on the growing and harvest.

When the cane is growing in warm weather it won't stop to ripen and produce the sugar needed, Wedgeworth said. Boy said that the immature cane or part of a stalk held solids adverse to sugar extraction from ripe cane.

William J. Miller, general manager of the Sugar Cane Growers Co-op mill, the Glades Sugar House, said the mills had to keep going. They produce their own power. The loving care used in cleaning and reassembly is to prevent a breakdown during the season when the mills roll 24 hours a day.

SHORT STOP

"We can afford a short stop of about two hours," Miller said. But if the liquids are allowed to harden and set the mill is in a mess as far as restart is concerned, he said.

Miller and other cooperative officers conducted a detailed tour of the sugar house, the place where the sugar and molasses are separated from the dirt, grit and fiber. The crushed fiber, called bagasse in the industry, ordinarily is used to power the mill.

But sometimes it is used for other chemicals. At Glades the Quaker Oats Co., has an adjacent mill where furfural, a chemical with uses including plastics, is extracted. The mill uses the Quaker waste product, but has to add fuel to keep up power.

The bagasse might make a fine mulch in some regions, Miller said, but is of no use in the muck-loam of the Everglades.

TWO REFINERIES

Only two of the mills have refineries, and a third is only a refinery. The Glades County Sugar Growers Cooperative Association Inc., and the Florida Sugar Corp. make refined as well as raw sugar. The Everglades Sugar Refinery Inc., refines raw sugar. Florida's own brands include "Evercane" and "Sunsweet."

Other raw sugar is shipped to refineries closer to the market areas. The reason is one of handling: as raw sugar it can be handled in bulk, like grain. As refined sugar it must be handled in the more expensive methods of processed food.

Raw sugar is shipped by truck, rail and barge to refineries at Savannah, Ga., New Orleans and St. Louis.

At the sugar house the newsmen were introduced to sugar bulk style, seeing a 52,000-ton pile worth between $8 and $9 million.

Others took part in the lengthy but informative program, many making their talks while the chartered Trailways bus rolled, with Al Harris of Fort Myers behind the wheel. They included J. Nelson Fairbanks, general manager of the cane growers league; Riley S. Miles, executive director of the Water Users Association of Florida Inc. and George H. Salley, president of the Glades County Sugar Growers Cooperative and an attorney instrumental in the forming of the league.

Other mills visited included Okeelanta, Talisman Cooperative, Atlantic Sugar Association, Osceola Co., and Bryant Sugar House of the United States Sugar Corp.

[From the Fort Myers (Fla.) News-Press, Jan. 24, 1968]

KIRK STUDIES FARM IMPORTS AND LABOR

NAPLES.—Gov. Claude R. Kirk will seek some answers in Washington Thursday to the problems posed for Southwest Florida farmers by importation of foreign crops and the programs of the Office of Economic Opportunity among migrants, a Kirk aide said Tuesday.

The aide, Jim Bax, said Kirk heard reports of the "deleterious effects" on the farmers of these two problems in a meeting at Palm Beach Saturday. Bax said he will come to Southwest Florida Thursday and Friday to gather more information for the governor.

Bax said Kirk has asked Robert Roesch, his staff member in charge of federal programs, to prepare a report for the National Governors' Conference on the problems of foreign imports and problems of migrants, and that Kirk also has asked OEO Director R. Sargent Shriver to come to Tallahassee to discuss the migrant programs.

The farmers, Bax said, want import restrictions set on foreign vegetables which are produced in areas where labor is cheaper.

Lander recalled that Collier County farmers had discussed the import situation with Congressman Paul G. Rogers here several weeks ago. He said, "The governor just wanted to be brought up to date on the situation before going to Washington this week."

Kirk and state legislative leaders and Cabinet members will confer with the Florida delegation in Washington Thursday.

Lander said Kirk told the group "he would bring out the situation to the congressional delegation in Washington."

The situation, Lander continued, is that imports of watermelon have cut into local market outlets here for several years.

"Last spring," he said, "40 percent of our market for tomatoes was taken away by imports.

"And peppers and cucumbers are being planted, especially in Mexico, in increasing amounts."

All four of the crops Lander mentioned account for large shares of the nearly $30 million harvest from this county, one of the three most productive agricultural areas in the state.

[From the Fort Myers (Fla.) News-Press, Feb. 20, 1968]

VEGETABLE FARMS INCREASE OUTPUT

Agriculture is a big industry in Hendry County. Vegetables are the principal crop, and records of Ray Burgess, county agent, show an increase of plantings as follows:

Tomatoes 1,200 acres, watermelon 700 acres, peppers 120 acres, cucumbers 200 acres, potatoes 1,200 acres, cantaloupes 100 acres and miscellaneous vegetables between 300 and 400 acres.

Its cattle industry ranks second in livestock numbers statewide and it is the last frontier cattle area in Florida, just beginning to realize the great potential in beef cattle production. This year's increase in livestock in the area was 10 percent.

The Big Cypress Indian Reservation which is located in the southeastern section of Hendry County and is comprised of 42,698 acres has become interested in the producing of cattle, and 55 of the Indian families living there now own 3,600 head of cattle grazing on 6,292 acres of improved pasture. There is also available for expansion of their program approximately 11,500 acres of federal land and 2,500 acres of state land suitable for cattle raising within the reservation.

The stumping industry showed an income of $75,000 and the pulpwood producers an income of $50,000.

CITRUS IMPORTANT

Citrus products have been a part of the economy here for more than 60 years with groves centered in the Fort Denaud area of the Caloosahatchee Valley. However, in the last six years renewed interest in citrus production has taken place and this year citrus production shows an approximate income of $600,000 produced by 375,000 boxes of fruit from some 20,000 acres—an increase of approximately 1,000 acres this year.

There are two dairies located in the area which show a very stable operation.

Sugar cane plantings either grown or headquartered in the county show plantings of 17,000 acres. Queen bees, the production of honey and the shipment of bees for the polination of crops is also big business here. Four groups of beekeepers are engaged in the industry, shipping honey, honey products and package bees. Bees are shipped all over the world. This operation showed an increase of 5 per cent over last year, with 1,500 barrels of honey shipped out of the area.

According to the records of the county agent, between 5,000 and 6,000 migrant workers are employed here in agriculture and 4,300 full farm workers.

In the citrus industry, growers operating from 1 to 100 acres show 25 growers, 100 to 500 acres 7 growers, 501 to 1,000 acres 17 growers, over 1,000 6 growers.

Vegetable farmers show 20 farmers farming from 1 to 100 acres, 105 farmers farming from 100 to 500 acres, 4 farmers farming from 501 to 1,000 acres and 3 farmers farming over 1,000 acres.

[From the Fort Myers (Fla.) News-Press, Feb. 20, 1968]

FARM INCOME IS HIGH IN COUNTY

Agricultural products produced in Lee County provide an annual income of more than $25 million and generate more than $75 million in agri-business activity, according to County Agricultural Agent Robert G. Curtis.

This area has about 160 cattle herds totaling an estimated 20,000 head of beef cattle, and four dairy herds with about 1,000 milk cows.

About 3,000 acres of land is devoted to growing citrus with several thousand acres earmarked or planted in new citrus which will expand the local industry within a few years. In addition to citrus, tropical fruits such as mangos, avocados, lychees, guavas and papayas add a considerable sum to the gross agricultural income here.

WINTER VEGETABLES

The production of vegetable truck crops is another important phase of Lee County's agricultural picture with about 7,000 acres planted in watermelons, squash, tomatoes, potatoes, peppers, cucumbers and sweet corn. Favorable year around warm temperatures allow area farmers to put winter vegetable crops on the market earlier than any other area in the United States.

The flower industry is the largest agricultural industry in Lee County. With more than 4,000 acres of gladioli planted and marketed here, Lee County has become known as the "Gladiolus Capital of the World."

In addition to the glads, chrysanthemum growing is a thriving business. Pot mums and cut specimens are shipped nationwide and more than 60 acres of chrysanthemum cuttings are marketed worldwide. More than 200 million cuttings each year are sold.

ORNAMENTAL NURSERIES

Not to be bypassed in Lee County's agricultural activities is the rather large and important ornamental nursery business. A number of wholesale and retail nurseries are located in the local area.

Another phase of agriculture currently having an important rebirth of activity is the forestry industry. The excellent stand of virgin timber that once covered much of South Florida has been almost completely cut away. Until recent years little was done to replace it.

Through the establishment of fire control practices by the Florida Forest Service as well as cultural practices recommended and encouraged by them, plus the activities of the U.S. Department of Agriculture Forest Service, many acres of timber have been replanted.

Forest products harvested here include pulp wood, saw timber, poles, fence posts, stump wood and lighter wood. Even at this early stage forest products represent more than $100,000 a year return to land owners and farmers.

CONSERVATION AIDS

Area farmers, ranchers and landowners receive technical assistance on conservation projects from the U.S. Department of Agriculture Soil Conservation Service. The assistance is made through locally organized Soil and Water Conservation Districts.

The Lee Soil and Water Conservation District was formed in 1947. A primary function of the district has been to educate the landowners in the wise use of natural resources. SCS employes Jim Spieth, conservationist, and John Clemons, technician, have the responsibility of instituting the practices endorsed by a five-man committee elected by farmers and ranchers.

During the past year technical services were provided to 320 landowners. Conservation plans were completed for 21 farms. Major conservation problems receiving attention by the district included proper land use, water control, maintenance of water quality, pasture development and management, soil depletion, and wildlife management on private lands.

OTHER FEDERAL PROGRAMS

Another federal department which has aided in making local agriculture as important as it is to the area's economy through the use of price support programs is the Agricultural Stabilization and Conservation Service.

The local office is managed by Judson Francis under the direction of a five-member farmer-elected county committee. Members of the committee are Nat Hunter, chairman, Charles Flint, vice chairman, and Darwin White, member. Alternate members are Al Christensen and Frank Nodine. The committee is responsible for the local administration of such federal programs as the Agricultural Conservation Program, acreage allotments and marketing quotas, diversion programs and payments.

The major program activity here is the ACP through which farmers, ranchers, grove owners and tree farmers apply for cost share assistance to carry on needed soil, water, and wildlife conservation work.

Last year, under an emergency drought program instituted by the committee to provide new wells or water holes for ranchers, 114 wells and water holes were dug. The rancher paid 20 per cent of the cost and the program paid the remaining 80 per cent which amounted to $30,520.

CONSERVATION PAYMENTS

During the year, another $44,106 was paid to farmers and ranchers for conservation practices such as establishing permanent vegetative cover on 709 acres; crop pasture rotation programs established on 470 acres, trees planted on 83 acres, 3,680 acres of established vegetative cover were improved, 849 acres were chopped and disced to control competitive shrubs, four wells were dug, two ponds dug and 2,112 acres were improved to enhance natural beauty.

Lee County, like many other areas, has been affected by the increase in the number of pleasure horses. There are several riding stables, one thoroughbred racing farm, and many people who have purchased small parcels outside the city limits where they can pasture one or two horses.

There are an estimated 700 head of privately owned pleasure and show horses and more than 1,000 head total in the county. The sale of horses, feed, veterinarian fees, trailers and other equipment generates an estimated $350,000 annual business.

Commercial egg production locally amounts to about 925,000 dozen annually with an estimated market value of $323,750. Add to this the sale of culls, manure and other by-products, and the annual total created is more than $250,000.

The poultry industry, as with the cattle, agriculture industries, cattle, citrus, flowers, vegetables, forestry, and horses, creates a great amount of business in its use of labor, feeds and supplies, and generates more business than the on-the-farm value would indicate.

[From the Fort Myers (Fla.) News-Press, Oct. 11, 1968]

Gladiolus Bulb Digger Made By Owner of Machine Shop

(By Phil Keyes)

A. B. Blackwell, owner of Southern Machine & Steel Co. at 2510 Edison Ave., aims to please. So last spring when John O. Zipperer of Zipperer Farms asked Blackwell to build a machine to dig gladiolus bulbs, Blackwell complied.

Blackwell's bulb digger was the first ever built and Zipperer was so pleased he called in his friends to see it work. One of the friends is a grower in Oceanside, Calif., and after watching the digger work in a muddy field for 15 minutes, he ordered two.

"Last spring Mr. Zipperer called me over to his packing house to repair a shaker screen on a bulb sorter which wasn't much of a job," Blackwell said. "I asked him if this is all he needed and he told me to build a bulb digger."

The fact that bulb digging always had been done by hand because no one had invented a suitable machine didn't bother Blackwell.

"I knew it would work," he said Thursday. "The idea is to speed up the digging of bulbs and not miss any of them in the rows."

As Blackwell talked about the bulb digger, several of his employees were razzing him to show the blueprint. When questioned about the blueprint for the machine, Blackwell said, "I could just visualize it as I went along with the fabrication."

Walter Preston of the Manatee Fruit Co. in Palmetto was the first to see the machine in operation at Zipperer's farm. Then Edwin Frazee, a glad grower in Oceanside, Calif., heard about the digger and was interested.

LABOR PROBLEMS

Blackwell said Frazee was having labor problems getting his bulbs dug so he flew to Fort Myers to take a look at the machine.

"He arrived here on a rainy day and suggested we wait until the next when the field was dry to demonstrate the digger. I suggested we give the machine a try in the muddy field. He watched for about 15 minutes then wrote a check for a deposit on two diggers," Blackwell said.

Thursday afternoon Blackwell and his men were at the freight depot bolting the machines on a flatcar for shipment to California.

Blackwell built the machines in about eight weeks. He started with two regular Ford tractors which he took apart and rearranged on the digging and collecting devices he built in the Edison Avenue shop. Each costs about $23,000.

NEEDS HELP

"My big problem here is getting experienced men to work for me in the shop," Blackwell said. "It's unusual that I have a machine here that puts men out of work and I can't get help to build them. I've had a help wanted ad in the paper for three months now."

Blackwell came to Fort Myers from Clewiston in 1958 and opened his machine shop. He started with three employees, now has nine and wants more.

In the shop, Blackwell has started work on another machine which will do the complete glad bulb planting job—plowing the furrow, fertilizing, planting each bulb three inches apart and covering them with soil.

"Mr. Zipperer decided I could build a planter if I could build a bulb digger so here it is," he said. "Four guys will sit up here on the thing and place the bulbs on a conveyor belt. Another guy drives the tractor across the field and it plants two rows at a time."

Manatee Fruit Co. has an order in for the next digging machine and orders for two more for California growers are expected to arrive any day. Manatee Fruit was so impressed with the digger, it placed an order for a mobile bulb processing plant that can be used in the flower fields, Blackwell said. It is almost complete and is parked outside the shop.

The processor will work 20 people at one time. Bulbs will be placed on a shaker screen to knock loose dirt off before the bulbs fall onto a conveyor belt. Ten people will be stationed on either side of the conveyor and as bulbs go by they will be picked up, cleaned of trash and dropped into a hopper. The hopper will count each bulb, then drop them onto another conveyor belt which will move them to boxes for packing.

Blackwell said he could see no reason for going to all the trouble of getting a patent on the several one-of-a-kind machines.

"If someone else wants to build one they will whether I have a patent or not," he said. "Like everything else, if they want to go out into a field and see one work and then build one they are welcome to try."

[From the Miami Herald, Dec. 18, 1968]

COLD HITS MIGRANTS

(By Tom Morgan)

EAST NAPLES.—A half million dollars or more in crop losses in Collier County from Monday's freeze were still below what had been feared might come with Tuesday morning low temperatures. The loss can still mean a cold Christmas for several thousand migrant workers whose jobs will be cut by the crop damage.

The Monday cold dropped to 28 degrees in many county areas but the Tuesday mark in most places were not below, 34 degrees, uncomfortable but not dangerous to crops.

"The ground winds didn't change" said Don Lander, county agricultural extension agent, but Phil Thomas, station WNOG's weather forecaster, said that upper level winds comihg in from the Atlantic warmed things up there and saved us.

"The temperature fell to 34 at midnight and held there. Then it began to rise in the farm areas so there was very little added damage."

Lander said that the older pepper plantings at Immokalee had been hit pretty hard, especially about the tops of the bushes, but weren't wiped out. Young peppers came through in better shape.

The major county crop of staked tomatoes were "over-all good" but damage to squash and cucumbers was heavy.

Lander said that first day estimates of loss must now be at least doubled for a lost of $500,000-plus, countywide—about one percent of the overall county harvest prospect for the year.

The county agent said the most serious danger is the loss of pre-Christmas work for migrants who flock to Collier County by the thousands every year.

"This will hurt some of them I'm sure," Lander said. He added some work would still be available on tomatoes and peppers.

Migrant income derives from planting and harvesting of crops and any interruption of the routine can cause problems since the migrants work by the day and are paid the same way. A day or several days off means no pay.

[From the Miami Herald, Apr. 23, 1969]

MIGRANT AID BILL DEFEATED

TALLAHASSEE.—Miami Sen. Lee Weissenborn lambasted the Senate Agriculture Committee Tuesday for being "more concerned with cows and acres than it is with people."

The committee's decision to kill Weissenborn's bill designed to protect migrant and other farm workers brought on the wrath of the Miami democrat.

"It met the fate of all bills designed to help the people in their needs—it was referred to Agriculture," Weissenborn said of his proposal.

"There's just not a great deal of compassion for the people at the bottom of the heap," he said, referring to his fellow legislators, "and I think it's a damned shame."

Weissenborn also criticized Senate President John Mathews for referring the bill to the Agriculture committee.

"In the first place, it shouldn't have been sent to Agriculture," he contended. "This committee is more concerned with cows and acres than it is with people."

He said the committee didn't even tell him its objections to the proposal and that Sen. Chesterr W. Stolzenburg (R., Fort Lauderdale) was the only committee member that supported the bill.

The proposal would have required employers of 10 or more migrant or non-migrant farm workers or food processors to register with the Farm Labor Department of the Industrial Commission. The registration would include wages paid, housing and working conditions and other employment facts.

The bill also required licensing by the Farm Labor Department of farm labor contractors, who supply the workers to farmers. The contractors would be required to furnish information about the job before the actual work begins.

In addition, both the workers and suppliers would have to have liability insurance in the event of injury or death to the workers.

[From the Fort Myers (Fla.) News-Press, May 16, 1969]

MIGRANT LABORERS MAY GET BREAK ON STATE LICENSES

TALLAHASSEE.—Migrant laborers could escape buying Florida auto tags or driving licenses under bills approved Tuesday by the Florida Senate.

The bills were approved 35–1 and 36–1 with the lone dissenter, Sen. Charles Weber, R–Fort Lauderdale, calling them ridiculous.

Sen. Welborn Daniel, D–Clermont, who ushered "my wetback bills" through the Senate, said many Mexican laborers come into Florida and are pounced on by law enforcement officers and forced to pay fines and towing costs.

Weber said he voted against the bills because they would permit migrant laborers' cars and buses to travel Florida highways without vehicle inspection.

The bills now go to the House.

[From the Miami Herald, May 30, 1969]

FARM NOTES—WATERMELONS LEADING

Vegetables: Most commodities continue available with harvest confined to the Everglades mucklands northward with only limited harvest at Fort Myers-Immokalee and Pompano. Watermelons led in carlot shipments with Irish Potatoes second. Sweet corn was in full volume as were tomatoes and cucumbers. Most other crops are in seasonal decline. Shower activity hampered harvest in some areas.

Snap beans: Harvest for processing continues at Bradenton, in the Everglades and in North Florida. Yields are fair to excellent.

Celery: Quality fair in Everglades. Supplies decreasing.

Sweet corn: Everglades reached peak mid-month. Quality continues good.

Cucumbers: Fort Myers-Immokalee harvest complete.

Peppers: Fort Myers-Immokalee harvest complete, quality and size variable.

Potatoes: Everglades and Samsula "whites" only available.

Radishes: Everglades supplies declining, harvest about complete.

Tomatoes: Fort Myers-Immokalee harvest complete.

[From the Miami Herald, July 31, 1968]

$57.5 MILLION IN CROPS SEEN—FLOWERS, VEGETABLES, LEAD WAY

(By Tom Morgan)

EAST NAPLES.—The agricultural harvest in Southwest Florida's two main farm counties of Collier and Lee will total $57.5 million this year, an all-time high, according to the two counties' agricultural extension agents.

In Collier, Don Lander fixed the county vegetable harvest at $40 million from 28,100 acres while in Lee, agent Robert F. Curtis estimated $11.6 million in flower crops and $5.9 million in vegetables.

Collier County had the larger return and the greater area with 28,100 acres but Lee had the greatest per-acre return with 125 acres of pompom chrysanthemums bringing $3.4 million.

Lee also had 3,000 acres of gladiolas, which brought $8.2 million and 11,600 acres of vegetables worth $5.9 million.

"Our $40-million return was the best ever," Landers said. "Even though the fall deal was real bad and below average.

"The late winter and spring return was real high although not up to expectations by four or five million dollars. We had no freeze-outs and returns were exceptionally good."

Collier's vegetable production is still centered on Immokalee, but farms there spread half-way to Naples or more.

Landers said expansion of farming is going on at Naples with A. Duda and Sons, "probably the biggest farmer in the United States," continuing to show interest in the area.

Duda has about 2,000 acres now and is putting in a packing house on lands southeast of Naples.

Nationally, Duda is interested in cattle, sugarcane and vegetables and in Collier he is raising tomatoes, peppers, sweet corn, watermelons and cucumbers,

Countywide in Collier there were 8,000 acres of ground tomatoes and 3,200 acres of stake tomatoes.

Other crop acreages were: peppers 4,400, cucumbers 4,000, potatoes 1,200, squash 1,000, corn 600 and mixed vegetables 500 acres.

[From the Miami Herald, May 23, 1969]

NIXON DEPRIVED WORKERS OF FARM JOBS, PANEL TOLD

WASHINGTON.—The Nixon Administration deprived local farm workers of jobs by letting Florida citrus growers import 2,000 foreign laborers, a Senate subcommittee was told Thursday.

Stanley Ruttenberg, an assistant labor secretary during the Johnson Administration, said the importation of foreigners was unnecessary.

The Florida labor market was adequate to harvest even the current bumper citrus crop, Ruttenberg said.

He said the Nixon Administration's action last week broke a two-year ban against such braceros. Those in Florida are from the British West Indies.

Ruttenberg told the Senate subcommittee on migratory labor that he favored outright abolishment of the system by which Mexican nationals get immigration visas and use them to commute daily to farm work in the United States.

Subcommittee chairman Walter F. Mondale (D., Minn.) said he felt from his personal observation of migrants crossing into Texas at 4 a.m. daily that the system should be ended for the migrants' own protection.

The are treated badly by immigration officials, he said, and are provided no protection either by the Mexican or the U.S. governments as were persons brought in under the bracero program.

Ruttenberg estimated 100,000 Mexican nationals cross the border to work but live in Mexico.

The Labor Department found, he said, that seasonal farm workers in the border areas of Texas earn 30 percent less than do their counterparts elsewhere in Texas. He said the Texas border town unemployment rate is double that for other parts of the state.

Ruttenberg said all immigrants should be treated the same and should be required either by an act of Congress or administrative action to live in the United States. A two-year grace period should be given present holders of "green card immigration visas," he said.

[From the Miami Herald, May 1, 1969]

THREE MIGRANT, HUNGRY AID BILLS MOVE IN SENATE

TALLAHASSEE.—Sen. Lee Weissenborn has won three preliminary victories in a fight for legislation to aid migrant laborers and the hungry poor.

Senate subcommittees Wednesday approved Weissenborn's bills to create a state division of migrant labor and to put a compulsory food program for the needy in every Florida county. A third bill approved voids laws that allow the owner of a labor camp to prohibit certain persons from visiting migrant workers.

"I'm very pleased that we made headway before three different subcommittees on the legislative program I'm still introducing to generally solve some of the human needs of this state and particularly to solve some of the needs of the migrant workers," Weissenborn said.

The "war on hunger" measure requires local officials to choose one of two federally funded food programs, to be operated by the state at a cost next year of $2 million.

Weissenborn said 17 of the state's 67 counties have refused or neglected to launch food programs and 67,000 people eligible for free food there can't get it.

"If you don't feed them, there's no point in educating them, housing them or making them healthy," the Miami Democrat told the Senate Health and Welfare Committee. The bill won unanimous approval but still faces a rough road to passage.

The second measure would put Lt. Gov. Ray Osborne in charge of a special division to handle migrant problems.

Weissenborn, who headed an interim committee on seasonal labor, said Florida is the nation's third largest employer of migrants and "I am aghast at all the disoriented activity in this area."

Several state agencies now handle certain aspects of the migrant labor problems and Senate Health and Welfare Chairman Louis de la Parte of Tampa agreed there is a need to "pinpoint responsibility." The bill faces action by two more committees.

Weissenborn said the purpose of his food bill "is to get the people at the bottom fed." The problem of hunger in Florida was spotlighted last month when a U.S. Senate "hunger" committee headed by Sen. George McGovern (D., S.D.) discovered poor conditions among migrants in Immokalee in Collier County, which has no free food program.

"But Collier County feels these people are not really residents," Sen. Dave Lane (R., Fort Lauderdale), protested when the bill came up. "They are the only indigents in the country."

Weissenborn's proposal allowing migrant workers to have visitors against the wishes of the owner of their camp was approved by the Senate law and order subcommittee.

"It gives the renter the right to have somebody come on their land even if the owner objects to it." Weissenborn said. "The need for this bill comes from the effort of lawyers and newsmen to talk with these workers and they are kept off by the owners."

APPENDIX C-3

COMMUNITY ATTITUDES—NEWSPAPER CLIPPINGS

[From the Fort Myers (Fla.) News-Press, May 23, 1969]

IMPORT OF LABOR FOR FLORIDA HIT

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[From the Miami Herald, May 5, 1969]

COLLIER NEAR-RIOT BROKEN UP

(By Tom Morgan)

IMMOKALEE.—A near-riot, precipitated when Collier County sheriff's deputies made three vice charge arrests late Saturday, was broken up here Sunday morning after 44 deputies, Naples city police and Florida Highway Patrolmen moved into a Negro area.

Officers and residents said this unincorporated center of the county farm industry was quiet Sunday with the only aftermath of the disturbance a shortage of farm labor when labor buses moved out to the farms about dawn.

Sheriff E. A. Doug Hendry brought out 26 deputies, 15 Naples policemen and three highway patrolmen to break up groups loitering about the streets. There were 18 arrests but only one reported injury, a man who shot himself in the hand in a scuffle with deputies.

Sheriff Hendry said the trouble began just after 11 p.m. Saturday when Deputy Gerald Pickles and two undercover officers attempted to arrest two Negro women for prostitution charges in Crawford's quarters.

"The officers had observed the operation for two hours," the sheriff said. "The undercover men went with Delores Williams, 20 and Evette Smith, 21, and paid them $8 in marked money. The women were taking off their clothes when the undercover workers told them they wouldn't get out of Immokalee alive, and called for a man named Herbert or Red.

"The officers ran out the door and Herbert Christopher shot at them two or three times. Lt. Joe Hunter and Deputy Pickles returned and arrested the women on prostitution charges and Christopher for attempted murder."

Sheriff Hendry said that Christopher pulled a .22 pistol from his pocket and in a scuffle with the deputies shot himself in the hand. He was taken to Naples Community Hospital, treated, and put in the county jail in East Naples.

The sheriff said a crowd gathered around the Immokalee branch courthouse and that John and Clinton Christopher, brothers of the arrested man, and Clarence Lang came into the jail using foul and abusive language. They were arrested but John Christopher ran and was caught nearby.

More trouble came at 11:55 p.m. when Lynn Collins reported shots had been fired at his station wagon, hitting the tailgate twice and bursting a tire.

[From the Fort Myer (Fla.) News-Press, May 5, 1969]

IMMOKALEE VICE RAID SPURS RIOT

IMMOKALEE.—What started out as a routine vice squad operation here Saturday night ended in a small riot which was finally subdued after about four hours, Sheriff Doug Hendry said Sunday.

The operation got out of hand temporarily, Hendry said, when two women stripping off their clothes for purposes of prostitution with undercover officers became alarmed and yelled for the man whose room they were using in Crawford's Quarters.

The man, Herbert (Big Red) Christopher, pursed the two officers who ran out of the room. He began shooting with a 22-caliber revolver, Hendry said, and other officers staked out to make arrests on the prostitution charges moved in on the scene.

Crowding Christopher, and the two women—Delores Williams, 20, and Evette Smith, 21, back into the room, the officers attempted to make the arrests when Christopher broke loose and again began firing.

'BIG RED' SHOOTS SELF

In the scuffle, Hendry said, Christopher shot himself through the hand.

Sheriff's Lt. Joe Hunter and Deputy Gerald Pickles charged the three and started toward the county jail, when a crowd gathered.

A brother and another relative of Christopher's and a man named Clarence Lang were arrested at the jail for using foul and abusive language which they shouted at the officers.

Shortly after the first arrests reports began coming to the Sheriff's office of bottle-throwing and shooting at cars, and of some vandalism.

From the time Lt. Hunter and the two undercover agents made their first contact with Delores Williams and Evette Smith (about 9 p.m) until 1:30 a.m. Sunday, more than a dozen "incidents" were reported.

At 11:20, Lynn Collins said several shots were fired at his station wagon as he drove south on First Street. Two bullets struck the tail gate of the car; a third burst a tire.

At 12:53 Billy Hedrin said "Negroes threw about 20 bottles at my car and were shouting at me."

BOTTLES THROWN

Dan Cartwright, and Earl Bone also reported bottles thrown at their cars as they drove through the area. Cartwright said one shot was fired at him, too.

Cpl. Don McCarty of the Sheriff's office said the front plate glass window was broken out of the Crawford's Dry Goods Store and kerosene was poured throughout the building. Drink boxes at another store were overturned.

As the reports came in, help from the Florida Highway Patrol, the Naples Police Department and deputies from locations over the county gathered in the troubled area and assisted in cooling things down.

At final count early Sunday, Christopher, treated at Naples for his bullet wound, was in county jail charged with attempted murder. The two women were in county jail charged with prostitution. And 12 others were in jail either here or in county jail at East Naples on charges ranging for being drunk through failure to obey a police officer, disorderly conduct, carrying a concealed weapon, reckless display of a firearm, and public profanity.

Sheriff Hendry said the whole incident "just seemed to blow up," after the two women hollered at the deputies and Christopher ran in and began firing that 22."

The "hollering", apparently began when the women recognized the two undercover agents who had kept the Crawford's Quarters room under scrutiny for about two hours before making their move. They said, Hendry reported, they saw several men go into and leave the room during the two-hour period, and then went in also and paid Delores Williams and Evette Smith $8 in marked bills.

After accepting the money, the agents said, the women recognized them as officers, and told them "you wlll not get out of here alive." They then hollered for Big Red (Christopher).

"Then things just blew up," the sheriff said.

[From the Fort Myers (Fla.) News-Press, Apr. 18, 1969]

MIGRANTS ASK FOR BETTER TREATMENT FROM AGENCIES

LAKELAND.—Farm laborers told the Governor's Commission on Migrant Affairs Thursday of an urgent need for better control of Social Security deductions from migrant paychecks and for social service agencies operated for the convenience of the poor—not agency employes.

Mrs. Boston Wells said she and her husband worked as migrant laborers for more than 20 years before he died in 1968.

After his death she said she went to the Social Security office to apply for a survivor's benefit and was told that too few deductions had been made from his checks to qualify her for a benefit.

Dr. James Griffith, a member of the commission, told Mrs. Wells that her case illustrated the need for stricter control of paycheck deductions.

"We've run into cases where the person who deducts the money pockets it instead of sending it on to Washington," Griffith said.

Mrs. Bernice Manning, who came to Florida from Georgia last year, said she was shunted from office to office when she tried to get welfare assistance for herself and her eight children.

"I was getting $154 a month welfare in Georgia and they told me I'd still get that check after I moved to Florida," she said.

"When I got down here they cut off my check and said they couldn't pay me anything since I moved out of the state."

She was unable to get welfare assistance in Florida since she had not lived in the state for a full year, she explained.

"I went to the Auburndale welfare people and they said they couldn't help me. The Auburndale people sent me to Lakeland for help but all they did was tell me to try Bartow. I couldn't get help anywhere."

The Rev. Paul Wilson, staff worker with the Polk County Christian Migrant Ministry, told the commission that present social services for migrants were inadequate and seemed to operate for the benefit of their employees.

"We approached the Polk County commissioners to see if we could get more food distribution centers established in the county," he said. "They turned us down saying that next thing the migrants would want would be for the commissioners to cook their food for them."

"Next we tried to get the Lakeland food distribution center to change its hours. It's open from 8 a.m. to 3 p.m. Monday through Friday. The migrants are working during those hours and often don't have any way to get to the center. The distribution center turned us down too, and said they saw no reason to change their hours for the migrants' convenience."

Wilson criticized the commission for failing to include migrants among its number but Chairman Fred Sykes replied that the commission was established by the governor and could not appoint members at will.

The commission did move to recommend to the governor that its membership be limited to 35 and that the commission have the right to suggest persons for membership.

[From the Miami Herald, Apr. 18, 1969]

KIRK GROUP GIVES MIGRANTS "SOLUTIONS"

LAKELAND.—The businesslike, manicured meeting of the Governor's Commission on Migratory Affairs had a visitation from the fields Thursday.

A handful of black farm laborers came to the offices of Florida Citrus Mutual here to put their case before the 32 men Gov. Claude Kirk has charged with solving migrant problems in Florida.

Paul Wilson for the Polk Christian Migrant Ministry introduced the workers and drew from them their problems. They included poor housing, official-agency indifference to them, low wages, and a lack of welfare facilities for them when they get in trouble.

Mrs. Berniece Manning said she was trying to feed and clothe eight children and herself with no help from welfare. She said her husband had left her.

The solution offered by the president of Florida Citrus Mutual, Tom Brown, was that her husband shouldn't have left her.

"These people have responsibilities just like we do," he said.

Brown characterized the migrant ministry more than once as "these people interested in other people's affairs" and led the opposition to expanding the size of the commission too much or broadening its representation.

Wilson, of the migrant ministry, suggested that the commission encourage tighter control of Social Security payments, encourage establishment of mobile health and welfare units to go into camps and fields, and encourage the state to put up matching funds for the welfare programs now at work in the migrant camps.

The chairman of the commission, Fred Sikes (a vice president of the U.S. Sugar Corporation) agreed that mobile migrant facilities might be a real benefit to workers who are too ignorant to even know what services are available to them.

One member told the visitors: "It is easy to find problems, what we need are some solutions."

Wilson suggested that the commission had "a serious lack of any representation from migrant or field labor . . . or church and welfare groups working with these people." He asked the members to go into the fields for their meetings, also, to give laborers a chance to be heard.

"It strikes me our commission is a little bit weighted on the business side—which is proper—and it strikes me a member from organized labor might give the committee more weight," a member said.

The committee chairman suggested that migrants who were being cheated out of their Social Security money by crew leaders should "go down to the post office and get one of those post cards to mail to Baltimore" for an accounting of their Social Security account.

"These people don't even know about the post card, much less about where to send it," Wilson told him.

Subcommittee chairmen were called upon for reports by the chairman. They reported that they had either been unable to get a quorum for a meeting, or had held quickie conversations with each other before the general meeting started.

Most progress was reported by the education committee which put a letter in the mail early this week asking different migrant support agencies to tell them what they were doing.

Dr. William Clarke of the State Board of Health gave a brief report on the number of people who had passed through the state's clinics.

Finally, Wilson said, the South Florida Migrant Legal Services should be changed to the Florida Migrant Legal Services and its responsibilities and area of interest should be expanded.

The commission voted to pass on to the governor its suggestion that the 32 member board be expanded to 35 and urged certain appointments to the board that would be, as one member put it "compatible with us here."

The migrants filed out of the meeting silently.

[From the Miami Herald, Apr. 16, 1969]

Send Surplus to Miami, Commissioner Suggests

(By Tom Morgan)

East Naples.—A discussion Tuesday of a food stamp program for Collier County brought a suggestion from County Commissioner Jack Kurke that surplus farm crops here be taken to Miami's Liberty City to feed poor people there.

Collier got unfavorable national publicity several weeks ago when a Senate investigating committee headed by Sen. George McGovern of South Dakota claimed to find "widespread hunger and malnutrition" among migrant workers, some of whom said they, couldn't get but a few days' work weekly.

"I've been working in the packing house myself we're so short of help," Commissioner Ewell F. Moore said. "I'm sorry that Vero Beach sent a load of fish over to Immokalee. They found there was no place to give them, there were no hungry."

"We don't have to ask for food," added Vice Chairman A. C. Hancock. "They poke it down our mouths."

Moore said that migrants "took one look at the gift fish and found they weren't dressed and ready for the pan so they didn't take them."

Kurke said the vegetables "now rotting in the fields for lack of help to pick them should be taken to Liberty City where they need food, or to the Indians of South Dakota."

Sen McGovern admitted at Immokalee that the Rosebud Sioux were in need in his state. South Dakota welfare groups, seeking donations in a mail campaign that has reached into Collier, have said the Sioux there have a $600 annual average income. McGovern said migrants here have a $1,239 annual average income.

"I was in Immokalee on Friday and Saturday," Kurke said. "They are desperate for help in the packing houses and there were plenty of people awake at

2 a.m. But they were in the bars and not working. They should have been sleeping so they could go to work in the morning."

In the discussion of the federal aid food stamp program, the board said that the stamps are not possible because neither state nor federal funds are available to support them.

"I'd rather have the 'green stamps' myself," Kurke said, "but it's a long term project because you have to teach the kids how to use the foods. The parents don't know how to use them as they didn't know how to use the fish. They like fish but they don't know how to clean them."

"Where we control the aid," Moore added, "is the only kind of program I'm willing to go along with in this county."

Mrs. Hazel Griffin, county welfare director, said on the last welfare check the county issued "they took the groceries and sold them to buy wine—so we quit giving them."

Mrs. Griffin said not more than three food orders had been given by the county in recent weeks.

In another aspect of the migrant problem, Dr. Charles Bradley, head of the county health department, said that a U.S. Public Health Service doctor is starting work this week on a two-day-week basis in Immokalee. He said that nothing more has been heard of a $20,000 migrant health service grant supposed to be available for hiring a full-time resident physician in Immokalee.

"We have had nothing in writing about the grant offered to us," Dr. Bradley said. "I'd like somebody to put his John Hancock on something about this migrant health project."

[From the Miami Herald, Apr. 15, 1969]

STATE ATTORNEY FILES AN APPEAL ON "PROBATION" MURDER TERM

NAPLES.—A farm labor contractor sentenced to spend two months of each year in jail for the next 20 years in the killing of his common-law wife soon may find himself either a full-time prisoner or free on parole, an assistant state attorney said Monday.

J. Blan Taylor said the state had appealed the unusual sentence imposed on Wardell Williams in February by Circuit Court Judge Harold Smith.

Williams pleaded nolo contendere to a reduced charge of first-degree manslaughter in the 1967 shooting of Josephine Crawford at her home near Naples.

He had been indicted by a Collier County grand jury for first-degree murder. The nolo contendere plea meant that he neither admitted nor denied his guilt.

"There was no actual prosecution of Williams," said Taylor.

"He was indicted by a Grand Jury and when he appeared for arraignment with his attorney Jerome Pratt, he pleaded nolo contendere (no argument) to the manslaughter charge, waived sworn testimony and rested his case on the basis of presentence investigation.

"I thought the sentence should be appealed and did so on March 11 within the 30-day appeal time."

Smith found Williams guilty on the basis of evidence unearthed by a pretrial investigation and sentences him to spend two months each year in the Collier County Jail. He also fined Williams $3,000.

The state appealed the sentence "because we think it is an illegal sentence," Taylor said. The appeal will be heard in the 2nd District Court of Appeals in Lakeland.

"In a nutshell, it places him on probation, levies a fine, and incarcerates him for a period of time. We're saying you can't do all three. You have to either put him in jail or on probation," Taylor said.

When he passed sentence, Judge Smith said Williams was too valuable to too many people as a labor supplier, and reasoned that sending Williams to jail during the non-harvest months of May and June would best serve the interests of the state.

If the original sentence is overthrown, then Williams must be remanded to jail and be resentenced. The maximum sentence that could be imposed is 20 years in prison.

Williams' attorney—State Rep. Jerome Pratt—suggested such a sentence on grounds that the 33-year-old Williams is "an employer of people," and that if he were jailed hundreds of farm workers would be out of jobs.

Williams operates a farm labor service, contracting with vegetable farmers to bring workers to their fields during the harvest season. Police officials have said they are convinced Williams is honest and will not leave town.

"I'm an honest man, and I work hard. A lot of workers and a lot of farmers depend on me," said Williams, who pleaded guilty to manslaughter in the death of Josephine Crawford in 1967.

[From the Fort Myers (Fla.) News-Press, Mar. 28, 1969]

POOR NOT AWARE OF PROGRAMS TO HELP NEEDY, STUDENT SAYS

While the middle class taxpayer is arguing about the programs provided for the poor, the poor are largely unaware the programs exist, a graduate student of Florida State University has told the News-Press.

Gerald Troy spent seven months in the Fort Myers area from summer to December of 1968 in an intensive study of "A Comparative Analysis of the Knowledge and Use of the Available Agency Services by Middle Class, Settled Poor and Migrant Worker Families."

His conclusion: "The difference between the knowledge of programs between the migrant worker and the middle class is fantastic. New methods of trying to inform the people of the services must be used."

Troy compiled the in-depth study for his mister's thesis, attaining his master's degree in social welfare last Friday. His study is filed with the Lee County Commission, and the Department of Social Welfare of Florida State University.

Those workers classified as "settled poor" do know a bit more about public services than the migratory workers, but the difference is not significant when compared with the middle class residents, Troy said. For his study he only used services available to all three groups, so special programs limited to the poor were not analyzed.

The middle class residents polled knew of every single program, to a man, except for the home extension service and the vocational rehabilitation service. Only 70 percent knew of the vocational rehabilitation offerings and only half knew of the availability of home economics aid through the extension service.

But as low as 15 percent of the migrants even knew of the existence of many of the programs.

The public health service is the most widely known and used of all services.

"I believe this is due to their aggressive case findings," said Troy. Oddly, far more migrants, who include numbers of Catholics, knew of the St. Vincent de Paul Society than knew of the Catholic Social Services.

The study included the number of children per family among those polled and the education levels.

Middle class residents polled had an average of 3.2 children per family with only three families having five children and none more. Education level was 12 years and up.

Both the migrant and settled poor had families of 10 children or more. There were families included in the study representing each level of children from none to 10 and above per family.

The migrant and settled poor interviewed included education levels up to but not beyond 11 years. Some had none.

"They have the same problems," Troy said of the migrant and settled poor.

Troy has been working with farm workers and Indians for more than five years, an interest which has led him to his degree. He will return to his native Boston for the next stint in social work. He said he hoped to apply some of the things learned here in Florida.

Troy is a troubadour of note, earning money in Florida as a folk singer. His talent was popular with the migrants and members of the poor communities while he was here working and studying.

[From the Fort Myers (Fla.) News-Press, Mar. 18, 1969]

THE SENATORS LEFT BUT THE PROBLEMS OF THE POOR STAYED

(By Eddie Pertuit)

Things are changing in the land of the poor but a visit from a delegation of U.S. senators last week had little immediate effect.

Mrs. Mary Green, one of the people interviewed by the Select Senate Committee on Nutrition and Human Needs, doesn't keep as many children as she did. The State Welfare Department enforced a county ordinance requiring more facilities for day care operation than the aging woman could provide at 2042 Carver St.

Roosevelt Murphy still isn't sure he's ever going to get caught up on his back rent. He said he pays $5 extra a week, but doesn't seem to be able to reduce the $71.50 back rent due by a nickel.

The business at the Lee County Welfare Department has been "as usual," with no great increase or decrease of people wanting commodity foods. Robert H. Craft, highly criticized before and by the committee for alleged maladministration of his office, said Monday that "things are just as they always were."

These are changes taking place, one of them involving the commodity program Craft administers.

A dozen aides in home economics are busy teaching housewives in poor areas how to better use commodity foods and other low cost staple foods in preparing balanced, nutritious meals.

Those who receive commodities plus others who don't are included in the service.

The aides were being trained before the senators arrived. The aides come from the "target areas." They were trained by the University of Florida Extension Service under a federal grant program. Their work doesn't have a thing to do with the Senate committee visit.

In fact, the Senate Committee did not call one single witness from the Department of Agriculture or Extension Service during the hearings last Tuesday.

"This is an expanded part of the work we always have been doing," said Mrs. Dorothy Classon, extension home economist in Lee County. "We are just doing it through a different means."

Mrs. Ethyl Hougabook, one of the dozen aides, said they were taught how to help the people in the work, as well as how to more effectively use the welfare-distributed and other low-cost foods. The recipients of commodities now are teaching the aides a few things, she said.

"They show us, too. We are finding that many know how to use the foods, but that they get tired of the same food all the time," she said.

The philosophy of the program is to make the food more effective and prevent waste, but at the same time preserve the dignity of the recipient. The aides were trained to first determine needs as the housewives see them, then meet those needs.

The aides got $1.70 per hour when working, with hours varying depending upon the area worked. Top work week is about 20 hours.

The senators, headed by Sen. George McGovern, D.-S.D., toured some slum and poor housing areas in the eastern edge of Fort Myers during the morning last Tuesday. Most of those interviewed were away, presumably working, Monday afternoon.

But Mrs. Green was home with three children. That's the limit without a licensed center "and a fence around the yard," she said. She was charging $1 a day per child, she told the senators Tuesday, when the network television cameras were grinding.

"Wednesday a man came here and said I couldn't keep no children. He said he was state welfare or something like that.

"You see, I ain't on no welfare," she said. She gets $70.70 per month Social Security. "What I get for the children sort of helped me out. And keeping their children do help those who want to work."

Mrs. Green said she would be 75 her next birthday.

Mrs. Clander Mae Smith didn't think too much of the senators because they cornered here in the tiny kitchen at the High Street home.

"I got in the kitchen and I couldn't get out. It was senator this and senator that. I was stuck," she said. She is getting help from the Division of Vocational Rehabilitation here in obtaining supportive hosiery for her legs and from the Florida Council for the Blind to obtain eyeglasses.

Meanwhile, she is subsisting on $44 per month Social Security and paying $30 per month rent. She uses commodity foods, has used them for three years, and complains only that there isn't enough to last a month.

She said Craft turned her down the first time she asked for food but a Community Action Fund aide helped her. Her husband died prior to that. She had to turn back two welfare checks because they were in his name (to the state, not to Craft's office) and did not get reimbursed for them, or for her part of them.

"Didn't nobody give me nothing," she said with tears in her eyes, recalling the days. "I told Crab I was hungry, and he said I didn't need it. I asks him, how he know whether I need it or not?"

She doesn't dislike Craft, however. "He is all right, but he has his way. How he act depends on how he feels. Why I call him Crab, is because he act so crabbish."

The senators didn't see much of the area of Negro poor, and saw none of the areas of white poor. The white poor have the same problems as the Negro poor, said Francine Jackson, now a resident of Sabal Palms Apartments and president of the "Lee County Welfare Rights Organization."

She was one of those who testified that Craft's office is rude and insulting to recipients and applicants, an allegation Craft denied. She still maintains that Craft isn't nice.

"I have seen white women go in there and come out crying," she said. "It doesn't matter whether you are white, black, red, blue or lavender."

There are many, many poor the senators and television cameras didn't see. They walked right past Elnora Hunter, widowed in 1967, who has lived in the same house since 1936. Her landlord just raised the rent to $11 a week, from $10.

[From the Miami Herald, Feb. 21, 1969]

WHY BLAME COLLIER FOR MIGRANT'S PLIGHT?

NAPLES.—"Refunding blues" are credited as the inspiration for the attack on Collier County for hunger and malnutrition among migrant workers.

The label has a triple application. The South Florida migrant legal service which has harassed the county since it was set up, is facing a fund cutoff.

Its parent, the Office of Economic Opportunity, just squeezed past the Nixon administration offer to abolish it this week.

Lastly the Senate investigating committee due here March 10 has a $100,000 appropriation cut restored after the newspaper publicity.

Last year the county commission turned down a federal food aid program which had admittedly been worked up overnight by a commodity official who disavowed using a previously discredited survey by the migrant legal service but warned of pressure from that group if the county didn't go along.

The deciding factor for the commission was that it then had 100 applicants for welfare but couldn't get even five men of the unemployed to take county jobs. As much to the point was the explanation in so many words that once a man got on the welfare list he could stay forever because the federal officials and the federal courts would have final authority on qualifications.

The saddest part of the recent publicity for Immokalee was not only that it was branded for camps that exist in Naples areas as well but it was also given one-sided treatment with no effort to contact the county's welfare health or other officials or the very active Immokalee Migrant Committee.

Nobody in either Naples or Immokalee will deny that there are sad conditions among migrant workers but county leaders found it curious that the Senate headed for sunny Florida to start its investigation instead of chilly South Carolina.

More curious too is why pick Collier County when Dade's Homestead area has as bad conditions and more migrants?

If the federal government would act to halt the migrant stream so the migrants could settle down and upgrade themselves instead of spending half their income in traveling costs then the migrant problem would be quickly solved—in Michigan, Ohio, and other way states as well as in Florida.

Curiously, one result of the furor about the migrants has brought a strong but silent Immokalee move for incorporation, and even more curiously, the ones hoping to slip it through are said to be the same ones who fought a few weeks ago to secede and join Hendry County!

SOUTH FLORIDA MIGRANT LEGAL SERVICES PROGRAM, INC.,
Fort Myers, Fla., January 17, 1969.

E. A. HENDRY,
Sheriff, Collier County, Fla.,
East Naples, Fla.

DEAR SHERIFF HENDRY: This is in reference to the enclosed newspaper clipping from the January 16th issue of the Fort Myers *News-Press*, regarding your continuing efforts to stop the use of children under 16 years old as farm laborers.

The South Florida Migrant Legal Services Program, Inc., shares your concern about this problem and commends you for the efforts you have undertaken to bring this practice to an end in Collier County.

However, we note that only the parents of the children in question were prosecuted for this offense. As you are aware, farm workers do not earn a substanial income, and the temptation (or ignorance) which results in their puttting their underage children to work in the fields may be prompted more by their marginal income than their greed.

Chapter 450, Florida Statutes, particularly Section 450.141 permits the prosecution of the *employers* of minors as well as those who permit them to be employed:

"Whoever violates any provisions of this law, or *employs* or *permits or suffers any minor to be employed* or to work in violation of this law, or obstructs persons authorized under this law in the inspection of places of employment, and whoever, having under his control any minor, permits him to be employed or to work in violation of this law, shall for such offense be guilty of a misdemeanor, and upon conviction, be subject to a *fine of not exceeding five hundred dollars or imprisonment* in the county jail with or without hard labor not exceeding six months or by both such fine and imprisonment at the discretion of the court. Each day during which any violation of this law continues shall constitute a separate and distinct offense, and the employment of any minor in violation of the law shall, with respect to each minor so employed, constitute a separate and distinct offense."

Consequently, I would like to urge you to undertaken the prosecution of the crewleaders who indulge in this practice as well, and those farmers who knowingly permit the employment of minors on their farms. Certainly such action would have a vast affect in stopping this unlawful practice, and would also be more equitable when one considers the marginal income (and thus greater temptation) of the parents of these children.

Once again, I wish you every success in your efforts to bring this practice to a halt.

Sincerely,

T. MICHAEL FOSTER,
Assistant Director.

[From the Fort Myers (Fla.) News-Press, Jan. 16, 1969]

UNDERAGE KIDS FOUND ON TRUCKS GOING TO FARMS

IMMOKALEE—A surprise road block check of labor trucks and busses here at 5 a.m. Tuesday turned up 19 under age children working as farm hands, Sheriff Doug Hendry reported Wednesday.

Lt. Joe Hunter of the Sheriff's office said he, the Florida Industrial commission and the Collier School Board have been working "for some time to stop the use of children under 16 as farm hands."

Parents of the 13 through 15-year old boys and girls were fined $50 or 30 days Wednesday in the criminal court of Judge Chris Sapp. All paid their fines and were released, Lt. Hunter said.

The children were all required to report to schools here, where it was discovered that nearly half had never even been registered in compliance with Florida compulsory attendance laws.

The sheriff's office said the road blocks, with the Florida Highway Patrol assisting, will be held periodically to insure children under 16 are in school and not illegally at work.

[From the Miami Herald, Nov. 22, 1968]

SOMEBODY UP THERE IN WASHINGTON DOESN'T LIKE US

NAPLES.—More than one Collier County official is beginning to get the feeling "somebody up there doesn't like us." And up there is up in Washington.

And several, respectfully pleading for anonymity, say their federal taxes are being used to work them over, and to work over other South Florida residents.

Maybe their case isn't conclusive in court but this is the way they see it.

Some years ago an $800,000 federal grant went to something called the South Florida Migrant Legal Service, formed by the federally sponsored Economic Opportunity Legal Services Program Inc. in Miami.

Troubles began appearing that had an apparent common connection.

Some young ladies from the North had already appeared to aid the "downtrodden migrant workers" at Immokalee and had to be forcibly restrained from living in areas where white outsiders weren't welcomed. These girls went home to tell northern papers of Immokalee's evil, unpaved, streets, and starving migrants.

Citizens protested this was all lies but got no satisfaction despite the evidence they showed.

Yuong men came, also seeking to help the migrant workers, and some of their help appeared to include rent strike proposals, incitement to riot and other activities. They were defended by the SFMLS and at least one stayed on the federal payroll while serving a term in the county jail.

A mysterious investigation by "the citizens' board of inquiry into hunger and malnutrition in the United States" made an unannounced and undocumented two-day survey of all of 1.2 million acre Collier County, an area twice the size of Rhode Island.

Although the survey's results were never seen by anyone else, they were released to a Tampa newspaper with pictures, all purporting to prove once more that Immokalee was a hellhole for migrants where the average child had worms because he had no shoes and insufficient food because "grocers jump prices when the welfare checks are issued."

The storm that broke out over these disclosures and their falsity reached all the way to Washington, and the claims were promptly retracted and denied by those who put them out, although they refused to discuss them with Immoakalee residents.

A Herald check showed there were only two doctors in the area and neither was interviewed. The clinic whose services was reportedly denied to workers was found to have been established just for them and still carrying out its job.

Justifiably bitter grocers, whose ads show prices below those of neighboring towns, pointed out supposed over-charges would have been physically impossible to make overnight on the thousands of items in their stocks. They demanded a state investigation.

Rep. Paul Rogers came down from Washington and Gov. Claude Kirk came from Tallahassee. They could find no sign of the supposed evils.

Two months after the first charges a South Florida Migrant Legal Services leader finally appeared and said the original items were all a mistake—"bad publicity—I got misquoted and others did too—the emphasis in some instances was wrong."

He had nothing to say about federally released pictures purporting to show malnutrition but was later traced to the children concerned and found to be normal baby fat.

Finally the reason for the charges appeared.

Nineteen other Florida counties were cited as homes of hungar and malnutrition by the "citizens board of inquiry," but Collier which was the first and star case, before claims here backfired, was omitted.

The Florida report went into a national one showing "10 million Americans are going hungry," and perhaps it was as factual as the original Collier County report. In any case it was attacked by Agriculture Secretary Orville Freeman as "biased—a travesty on objective reporting." Other authorities in the food field supported his claims.

The next federal aim was on Collier courts. An assault and battery case from the Immokalee Peace Justice Court went several times to the Miami Federal District Court and Collier County lost because the defendant was not told of his right to counsel, although Judge O. W. Hancock insisted he had not only twice given the caution in English and in Spanish but had also called in an interpreter to repeat it.

Last summer the State Welfare Department came with plans for Collier to accept some "free federal food" which county commissioners questioned as costing them $3 for every $1 given away because they would have to build a warehouse and a refrigerated storage space and provide many administrative personnel yet still be under tight federal control.

"We would be in Miami court every week," said Commissioner A. C. Hancock.

The State warned the SFMLS would "exert pressure" and it did the next week but the commission held to its views, that welfare cases able to work should do so and that it couldn't find seven willing workers out of 100 able bodied food seekers.

Now a new federally inspired and financed group is trying an end-around play to force the Department of Agriculture to make Collier and many other Florida counties accept the free food.

Is there any wonder they get the feeling at the courthouse that somebody is working against them?

[From the Miami Herald, Nov. 13, 1968]

NEGROES PROMISED ACTION BY COLLIER—DRAINAGE PROBLEMS RAISED

(By Tom Morgan)

EAST NAPLES.—Negro citizens' efforts to have impassable Immokalee streets rebuilt brought County Commission assurances of action here Tuesday and a charge by an Immokalee School Board member that the streets "are ignored except the day before the primary and the day before they come up on the agenda in the County Commission."

The question of street rebuilding and drainage was raised by Albert Lee, representing the new 60-member "Community Civic Workers of Immokalee Inc," who led a three-man delegation to ask about the situation.

"We have very poor drainage and the streets are about impassable," Lee said. "We'd like a promise from the commission."

Ewell F. Moore, Immokalee commissioner, said the planned extension of four-laning there would take care of drainage problems and it's our full intention to take care of them," and only street footage surveys and cost estimates are needed on street rebuilding.

"During the primary we noted every street was staked out but we don't know why," Lee said, and Moore explained that was part of the cost survey.

Moore said he was committed to rebuilding the street by the present jail to Pinecrest "and then to bring it around by your center and back to the highway." He and Lee disagreed about which streets had come first in the growth of the unincorporated farming center.

"That street by the jail wasn't a street until the other day," Lee objected, but Moore replied "it's been there ever since Immokalee has been there."

Engineer Harmon Turner suggested street work could be done under the "Naples Park Plan" where adjoining property owners each pay a third of the cost and the county pays the rest.

Lee said there had been promises of money to be spent before "but until this morning there hadn't even been a grader seen on the street and there are holes in it you can't pass." Again Moore disagreed and said work had been done but was slowed by loss of one grader operator.

"There have been no graders on the south side for over some time," interjected Mrs. Joy Carter, Immokalee School Board member, from the audience. "It's practically impassable."

"The South Side has been completely ignored except the day before a primary and the day before it comes up on the agenda in the County Commission."

"I'm not blaming anyone but it is deplorable," agreed Commissioner Bill Sentell of Naples.

[From the Fort Myers (Fla.) News-Press, Sept. 20, 1968]

VISTA WORKER DESCRIBES PROBLEMS AT HARLEM HEIGHTS

(By Clare Taylor)

"When you are black in Fort Myers, you are not permitted to have self-confidence. You are living in a police state. This must be overcome. No assumptions should be made because a man is black. He should be considered as a human-being."

That was said by Fred Bennett, VISTA (Volunteers in Service to America) speaking before a meager audience of college students and faculty members at Edison Junior College Thursday morning.

Bennett and his wife Dinah have been working in Harlem Heights for the past ten months. Many improvements in the community have been started under their guidance and with the help of residents there.

The lecture, open to the public, was presented as the first in the 1968–69 Fine Arts series presented by the college.

Bennett appealed to those students present to consider VISTA as a means of becoming involved in work where one can see first-hand human suffering and the effects of violence. "There is a tremendous amount of immediate gratification" in helping these people, he said.

"Although America is dedicated to effectively educating everybody, we are not doing this," Bennett said. "A large segment of our population needs a great deal of assistance to gain an education."

Bennett described Harlem Heights as a small community that varies in size seasonally with an approximate population of 300 when the fields are being planted and harvested and something over 100 during the summer months when the fields are not under cultivation. This population, he said, is about one-half Negro and one-half Puerto Rican with a few Mexican and a few Cuban families.

LITTLE EDUCATION

"All are under-educated. Adults usually have had an education up to the third or fourth grade," he said.

"Children of school age often drop out by the tenth grade. They are embarrassed to stay in school with culturally-advantaged children who have inherited correct grammatical patterns. They have real dialect problems. Many have home and personal responsibilities. They feel a job is more necessary than staying in school.

"Each of you students can become involved through a cross-cultural relationship with these people," Bennett said.

The Heights exchange program, was set up anticipating strong personal relationships with high school and junior college students assigned on a one-to-one baisis to children at the Heights Elementary School. The students are encouraged to involve the children in a diversity of learning and playing activities.

ALLOWS FREEDOM

Bennett said the program allows much freedom. The student may develop his own ideas for working together. "You can teach things as simple as baking cookies which these people rarely, if ever, get to do. You can visit in each other's homes, take field trips, go to the movies, whatever you wish," he said.

"Through the program, it is hoped to develop incentive in these young people to want what the white middle class child has. We want to give them a chance to be able to assume what life will be like. We want them to be able to have self-confidence."

The tutorial program set up by the Bennetts will begin next week. Volunteers who wish to participate are asked to call Bennett at WE 6-0477, listing their free hours.

The Heights Wee Care Center, Bennett said, provides care and instruction for four and five year old children. "Eventually we expect to have some 45 children. These children have either been uncared for in the past or cared for by older brothers or sisters who are kept out of school for this purpose" he said, "or, they have been piled together in one home with one older person taking care of them while their parents are in the field."

PROVIDES FOOD

The center provides a hot breakfast, lunch and an afternoon snack for the youngsters who otherwise would have sketchy meals at best. The staff of four, he said, is made up of women who are sacrificing better jobs to become involved in this community work. They have been through a training period and now are working eight to ten hours a day for wages that are minimal. The weekly payroll is $130 a week with a running deficit.

Presently 14 children are enrolled with a $1 a day charge. "This is no moneymaking project," Bennett said. "New ways are needed to support the center. One step in this direction will be the use of commodity foods."

The center board of directors and interested churches are now organizing a fund-raising drive.

The Heights Improvement Association was organized he said to eventually sponsor low income cooperative housing. A street-lighting district is a project of the association also.

"Some houses rented to residents of this community," he said, "have no hot water, one water tap, three electric lights, water unfit to drink and outdoor privies."

Mr. and Mrs. Bennett plan to begin a seminar titled "Social Dynamics in America" for college students and faculty members. The first of these meetings will be held at 7:30 p.m. Tuesday in their home on the A & W Bulb Road.

"Fort Myers is a very fine community," the Bennetts said. "There are a large number of people genuinely interested in the problems here."

[From the Miami Herald, Sept. 9, 1968]

STATE PROGRAM SHOWS MIGRANTS 'GOOD LIFE'

TALLAHASSEE.—More than $8 million is being spent in Florida in programs to provide education, health service and even a model village for migrant laborers.

James Bax, director of Gov. Claude Kirk's Division of Economic Opportunity, said the programs are being carried out in most sections of the state under the sponsorship of federal, state and local agencies, private and church groups.

Seasonal farm laborers "have been unable to secure for themselves and their families the decent living standards, adequate educational opportunities and other social benefits which permanent residents of the community take for granted," he said.

He said the governor "has expressed great interest" in a pilot project to build a model migrant village on 156 acres of land in Fort Myers.

The village is planned to contain more than 1,000 homes for migrants and will include a shopping center and a transportation center with radio equipped buses and possibly some light industries.

"This entire complex, unique in concept, will be a combination of federal, private and local government efforts," he said.

He said the State Department of Education is coordinating a $2.1 million federal program to help migrant children in 21 Florida countries.

The program provides vocational training, portable classrooms, individualized instruction, kindergartens, additional reading materials and food and health services for the youngsters.

Bax said the State Department of Education spent $1.3 million of state funds in the last three years to subsidize migrant families while adults took 12-week basic education courses. The program operates in 13 counties.

The South Florida migrant legal service, provides research and legal services for migrants in Broward, Collier, Dade, Palm Beach and Hendry Counties, the Kirk aide said. The U.S. Office of Economic Opportunity has been asked to spend more than $807,000 on the project during the next two years.

Bax said the Florida Migrant Ministry, headquarters in Orlando spends about $60,000 a year in church contributions to operate day care centers for migrant children and to lobby to unionize migrant laborers.

He said the Florida Migrant Health Project, funded by the U.S. Department of Health, operates in 15 Florida counties. Among its services are programs in health education and family planning, prenatal care, immunization, medical diagnosis and hospital treatment, and nursing services at labor camps and schools.

The Commmunity Action Fund in Fort Lauderdale spent more than $1 million in the last two years to find jobs and housing for migrants and to relocate them in Dade, Broward, Palm Beach, Collier, Lee and Hendry Counties.

[From the Fort Myers (Fla.) News-Press, May 28, 1968]

DEFENDER REQUIREMENT ARGUED IN U.S. COURT

(By Fred Winter)

NAPLES.—Collier Sheriff E. A. Doug Hendry's attorney must file a brief Monday in a case involving an Immokalee defendant in which the federal court in Miami has held public defenders are required in misdemeanor trials.

At a hearing in Miami Monday, Federal Dist. Judge Clyde Atkins directed Attorney George Vega to file the brief. Judge Atkins had ruled in a far-reaching decision that defenders paid by the state are required in misdemeanor cases.

Public defenders are provided in felony cases; court-appointed defense attorneys are provided in capital cases, where the life of the defendant is at stake. The defenders required in felony cases resulted from the Gideon Decision, a Florida case before the U.S. Supreme Court.

Monday's instructions to Vega followed a habeas corpus hearing several weeks ago when the federal court took under advisement the Collier case of Efrain Rivero Colon convicted in the Immokalee peace justice court on three misdemeanor counts involving assault and display of a knife. Colon was sentenced to six months in jail by Judge O. W. Hancock.

Representatives of the Migrant Legal Services organization filed the habeas corpus petition.

On Tuesday, May 14, when Hendry, Vega and County Prosecutor J. Blan Taylor discussed Judge Atkins' ruling that Colon should have had legal counsel, commissioners and attorneys indicated it might cost Collier $60,000 a year to provide attorneys in misdemeanor cases.

Colon, through the Migrant Legal Services in a hearing before Judge Atkins on April 28, won a new trial.

The motion heard Monday, asking for a stay and discharge, accused the state of blackmail and threats, which it said was confirmed by the fact that Colon was charged on May 8 with aggravated assault—a felony—so that he could be tried in circuit court.

Observers at Monday's hearing in Miami said Judge Atkins indicated he had read newspaper accounts of the discussions at the Collier County Commission meeting and evinced keen interest in what the commission is doing.

An apparent issue in the case is whether the principle of double jeopardy is involved; whether, in effect, Colon is being tried twice on a charge, and whether the aggravated assault count was included in the misdemeanor charge previously filed.

A consensus of commissioners and attorneys at the May 13 meeting indicated the federal court action would apply against cases from county courts, city courts, police courts and juvenile courts as well as to circuit courts and others where previous rulings have required legal representation for those accused of crimes.

Colon's Miami attorney, Eleanor L. Shockett, was quoted in connection with the accusation of threat as saying "the state made good its threat without legal sufficiency or justification" when it placed the felony charge of aggravated assault against Colon.

Miss Shockett said the felony charge, which could carry a five-year sentence if Colon were convicted, "was contrary to the intent and purpose of the oral order of the court and was an attempt to trifle with it."

Vega and Hendry said Monday the purpose of placing the felony charge was to have Colon tried in a court where the public defender system is established.

[From the St. Petersburg Times, May 19, 1968]

Federal Probe of Camp Happy Area Planned

(By Samuel Adams)

The U.S. Department of Labor is planning to investigate living and working conditions of migratory farm workers in the Lee-Collier county area around Camp Happy.

James J. Reynolds, undersecretary of labor, wrote that the department will look into conditions recently cited in a St. Petersburg Times series.

The articles reported problems of severe hunger and malnutrition, unsanitary and unfit housing, disease, child labor and poor education which face the migrants.

They also spotlighted strict control of camp residents who arrive from out-of-state owing employers for transportation and having little of their pay left after paying these same employers for rent, food and wine.

Reynolds said Secretary of Labor Willard Wirtz has had a continuing interest in the problems of migrant farm workers and "has taken a number of actions to improve these conditions."

Reynolds did not specify what action the department contemplates taking. He sent a letter to The Times after reading the Camp Happy series.

His letter states: "We are interested in the events you relate and we intend to look into them."

Meanwhile, there was other reaction to the conditions reported.

U.S. Rep. Frank Thompson Jr., (D-N.J.), chairman of the special subcommittee on labor, wrote that The Times' migrant labor series is being made a part of the subcommittee's investigative file.

"The results of your investigation in many ways paralleled the testimony heard before this subcommittee," Thompson's letter states.

A bill seeking to make the provisions of the National Labor Relations Act applicable to agriculture is now pending before the U.S. Congressional Committee on Rules, the letter adds.

U.S. Rep. Charles E. Goodell (R-N.Y.) and Thomas F. Foley (D-Wash.) announced the formation of a "Coalition to Help Malnourished Americans." The 14 member coalition of Democrats and Republicans is calling for "public hearings immediately to determine what can be done to improve and refocus existing programs" designed to help the malnourished.

The coalition also asked the House to approve a Presidential Commission with authority to study the problem "on an emergency basis and report to the nation on Jan. 1, 1969."

Aides to presidential hopefuls Richard M. Nixon and U.S. Sen. Eugene McCarthy wrote of their desires to find solutions to migrant labor problems.

McCarthy's office sent The Times a position paper stating his efforts during the last 20 years to find legislative cures to the ills of the migrant labor system. He also listed related bills he has sponsored.

Agnes Waldron, a campaign aide of Nixon's, said Nixon's staff now is working on specific programs "which we believe will operate to alleviate the distressing problems which were so well reported in your series."

Her letter further states that their research "has paralleled the findings which were reported in your informative articles . . . Our research should shortly result in a forthcoming program which aims directly at viable solutions. The information . . . will prove useful in this task."

From Tallahassee, Ralph Ross, chief, Farm Labor Department, Florida State Employment Service, wrote, "the articles were extremely readable and certainly of interest," but were slanted to the worker.

His letter suggests a future series on "the responsibility of the worker to the employer in making himself available for a normal work week and protecting and maintaining living accommodations provided by the employer."

Ross' agency was criticized in the series for the state labor unit's role in recruiting out-of-state workers to live and work in sub-standard conditions. Along with Naples Farms Inc. and Lee County health officials, the employment service was named in a suit the series reported, alleging negligence and providing unhealthy housing for laborers recruited from Texas.

In the letter, Ross states: "It is the policy of this agency to do no recruiting and referral of workers except to growers who provide housing that has been inspected and licensed by the Florida State Board of Health.

". . . Our main responsibility is the recruitment and referral of workers from all sources to provide manpower to harvest our citrus, vegetable and tropical fruit crops. In a good many areas, including Southwest Florida, the welfare and economy of the entire area depends upon agriculture and the agro-business."

Reuben V. Anderson, a civil rights attorney in Jackson, Miss., wrote of plans to begin legal action "to correct some of the practices at the Mississippi Employment Services," which periodically sends migrant workers to Camp Happy in Florida.

His suit would be on behalf of a migrant who said he was promised earnings of up to $100-a-week at Camp Happy, but worked 79 hours one week and actually received only $31 of his gross earnings of $79.

[From the Fort Myers (Fla.) News-Press, May 15, 1968]

Public Defender Provisions Might Cost Collier $60,000

(By Fred Winter)

Naples.—Compliance with federal court rulings requiring public defender provisions in misdemeanor courts may cost Collier County in excess of $60,000 a year, county commissioners were told Tuesday.

The federal court ruling resulted from a decision handed down April 22 by Federal District Judge Clyde Atkins in a habeas corpus petition entered by the Southwest Florida Migrant Legal Services organization for Colon E. Rivera of Immokalee.

Rivera had been found guilty in Peace Justice O. W. Hancock's court in Immokalee on three misdemeanor counts involving assault and display of a knife.

He had been sentenced to terms of up to six months in the county jail on the convictions.

Sheriff Doug Hendry told commissioners Tuesday he had taken Naples Attorney George Vega with him to Miami to answer the habeas corpus petition in the Miami court.

Under the ruling, Hendry, Vega, Asst. State's Atty. J. Blan Taylor and other members of the county bar pointed out, all misdemeanor cases involving charges which could result in maximum sentences of more than 90 days will require specific steps under the constitutional rights rulings—all of them increasing costs of court procedures.

They stressed the federal courts no longer are satisfied with a statement that a prisoner has been advised of his rights.

Now, Vega said, it is essential to show whether the defendant intelligently waived his rights.

Judge Atkins' ruling, Vega said, indicated it would apply against cases from county courts, city courts or peace courts.

This means, he added, and other attorneys present agreed, "the sheriff must subject himself to eternally traveling to the federal court on habeas corpus petitions, or we'll have to turn (the defendants) loose or set up a satisfactory public defender code—especially in the J. P. courts."

Costs of a court reporter, additional staff for the public defender, investigators, juvenile court personnel and extra staff for the county prosecutor could reach well above $60,000, County Judge Richard M. Stanley told commissioners.

"People," Taylor noted, "are hollering about law and order, but why should the sheriff's office make arrests if the cases are going to get thrown out on the public defender's interpretations of the courts?

"We're going to have to have this compliance with the federal court rulings," he said, "if we want law and order at all, especially in Immokalee."

Rivera, Sheriff Hendry said, will be tried again in Collier County, this time on a felony charge of assault with a deadly weagon.

When Commissioner Cliff Wenzel asked Stanley "Will you have time to do this?" Stanley said that wasn't the point.

"It isn't a matter of whether we have the time," he said. "It must be done."

Attorneys pointed out that Hancock handled more than 300 cases, most of them subject to the ruling, during the month of April.

The extent of criminal trial cases in Collier was stressed by Vega, who recalled that a few years ago, Collier with less than one-quarter of Sarasota County's population, had more felony cases than Sarasota.

Public Defender E. Weaver said "I personally handle more than 500 felony cases a year.

"There can easily be more than that in Collier County for misdemeanors," he added.

[From the St. Petersburg Times, Apr. 25, 1968]

IS CAMP HAPPY HAPPIER? WAGES RAISED TO $1.25

(By Samuel Adams)

NAPLES.—"Farming is like the weather—no it is the weather.

"One hurricane can wipe out a grower. After the hurricane season comes the freeze. After that the sun can tear you up. Farming can be 10 per cent skill and 90 per cent luck."

That was the way a top official of the Naples Fruit and Vegetable Co. explained problems facing growers and migrants alike yesterday as he gave this reporter a guided tour of the farm fields surrounding Camp Happy.

Previously I had worked three days in these same fields, earning $1.15 an hour picking and lugging tomatoes and listening to complaints of migrant farm workers about the fruit company and Camp Happy.

Yesterday Steve Poklemba, comptroller for the company, told me during the tour the firm has raised its wages to $1.25 an hour.

Last Friday Carl Glidden, president of the firm told me by telephone he would like to increase its hourly rate to this amount, so any connection between the increase and this series is moot.

Poklemba also cited these problems facing south Florida fruit and vegetable growers:

Because of changing federal policies, growers must employ domestic laborers at a minimum wage of $1.15 an hour instead of cheaper. easier-to-recruit foreign workers from islands offshore Florida.

The cost of fertilizer and other materials is increasing, while the selling price of tomatoes remains relatively unchanged.

Bad weather did considerable damage to crops last March.

The migrant workers often attempt to settle disputes between themselves by violence and weapons must be taken from them.

On display at the Camp Happy tavern is a large assortment of these fighting tools taken from the workers: knives, swords, pistols. chains and horseshoes.

One unusual weapon was the handle of a spoon fashioned into a ring with a sharp two-inch point, apparently intended to be used like brass knuckles to cut and stab victims.

Missing was a machine gun I had heard about while working in the fields. Bartender Walt Garadella said it had been removed by the camp's manager, Jack Branch, who is now in a hospital suffering from a lung illness.

Naples Fruit and Vegetable Co. cultivates about 900 acres, and only a portion of its workers lives on the farm at Camp Happy. Others are recruited by crew leaders who make daily trips to the farm from Fort Myers, Immokalee, Naples and other areas.

Life at Camp Happy provides some workers an opportunity to earn and save, Poklemba told me yesterday. Interviews with camp residents revealed some of the money comes from gambling.

Willie Miller, 43, of Mullins, S.C., is listed as employe number one and has been with the camp six years. He said he gambled frequently and earned quite a bit of money from it.

Employes who have been with the company the longest generally find little fault with the camp except for lack of motion pictures and other social outlets.

A federally-funded antipoverty agency, the Community Action Fund, is attempting to set up movies, but the district director for the agency, R. S. Mitchell, last week said Branch had refused to let the agency show films at Camp Happy.

Poklemba said one packing-house worker, Tony Cannon, 25, Florence, S.C., had accumulated $800 and had just withdrawn it. Questioned about the withdrawal, Cannon called this an invasion of this privacy.

Cannon, who wears a black headrag over his straightened hair, was accused by another worker of helping to beat up some employes. The worker, Turner Strong, 40, of West Point, Miss., said a gang of fellows at the camp beat up workers if they failed to go to the fields, but he always made it to work except for a short stint in the hospital.

Strong, one of several disgruntled workers, said his hospital bill for four days was $47. which was taken from his check. In addition to Cannon. he pointed out two so-called "enforcers," one of whom he identified as "Sonny."

Strong said all the other workers were afraid to speak to "y'all labor men" and he asked that he not be interviewed in their presence, for it might mean trouble for him. He said he hoped to leave the camp today.

A 19-year-old worker, who stayed away from the fields to clean a one-room cabin he is to move into, also expressed concern about violence.

"See all them people with stitches in their heads? They drink that wine and that causes them to get beat up," said Richard Peterson. Peterson says he drinks only beer.

Sixty-seven-year-old Thomas Jefferson of Clarksdale. Miss., said violence had missed him. "I haven't had any trouble but some have—fightin' and gettin' beaten up and things like that. Some fightin' is amongst themselves, (workers) and sometimes white folks beat them up."

Asked whether camp manager Jack Branch had hit anyone, he replied, "Yes, sure. I'm just goin' to admit it."

Others interviewed painted a rosy picture of Glidden. Poklemba told of Glidden's paying $2,400 in delinquent taxes for one employe. He also told of fringe benefits—hospitalization—Glidden has provided for workers.

Tato, 48, a Cuban exile who formerly owned a half-million dollar ranch, said Glidden used to have a farm near his in Cuba and provided work for Tato after his arrival here.

The grounds around the camp are sodded and well kept. The "Juke" is a relatively handsome building paneled inside and selling such wines as Seabo, Petri, Fruit Bowl and Wild Russian. A half pint of wine costs 65 cents and beer costs 40 cents, said Poklemba. These prices differed from what camp alumnus Mike Walker said he encountered more than a year ago. Wine then was $1 and beer was 50 cents, he said in an interview two weeks ago.

The firm's executives are experimenting with new housing arrangements that are expected to lessen some problems. They are getting rid of barracks because units with fewer persons breed fewer conflicts.

"Barracks cause friction," said Poklemba. "We got rid of one of the two barracks buildings last year, and we've had less problems this year because we've had only one barracks."

They are planning to switch to two-man units, he said. A nearby company, the Basso Farms, is building more expensive small masonry units to house workers and Poklemba said his company will be watching to see how successful they are.

[From the St. Petersburg Times, Apr. 23, 1968]

A DAY OF SWEAT AND PAIN

(By Samuel Adams)

NAPLES.—"Lugger! Luggerman! Walk around."

The sing-song chant kept me moving fast, for we were picking everything two inches or larger in diameter that day—pinks and greens. And the tomato buckets of a single picker were being filled at a rate of about one every two minutes.

The clean-cut 22-year-old Negro who was helping lug tomatoes on my side of the road began stumbling and falling toward the end of the day. But he would pull himself up. And he kept shuffling with a loaded pail in each hand.

I too fell occasionally as salty sweat flowed into my eyes and my legs gave away.

This was worse than the work I had done during summers from college when we shovel the hardened waste from cattle cars. What made it even more difficult was the drinking water problem. Everybody was complaining because the water truck had not served our crew since lunch time. And now it was around 3:30 p.m.

Some pickers wet their throats by breaking open green tomatoes and sucking on them. But I was afraid to eat one because the vegetables were being sprayed and dusted continually. Pickers and crew leaders said the chemicals killed off worms.

We could see the water truck miles away serving the crew that lived-in at the Camp Happy compound, and pickers cursed the driver for serving us in the mornings but ignoring us in the afternoons.

As everyone became more tired and thristy, a woman whose buckets I had been lugging began fussing about my taking someone else's first. Actually, the younger lugger was responsible for her buckets, but I had volunteered help most of the day.

Her attack so angered me that I spoke curtly: "There's your lugger sitting on his bucket at the end of the row. You call him."

He was breathing deeply as if almost passing out.

"Whoo'ee! You sho' must be tired. Your voice done even changed. And you kin tell it in your face, too," another woman said.

She was right. In that moment of anger, I inadvertantly had slipped out of my assumed dialect.

Before quitting time the unhappy word from Camp Happy was voiced by a foreman driving one of the pickup trucks armed with long rifles. Answering Big John's question about promises to arrange for me to stay at the camp, he said:

"Jack (Branch, camp manager) don't want nobody in the camp from Fort Myers."

"This boy ain't from Fort Myers," the Mexican crew leader explained. "You tell Jack. He's good worker."

To keep me from having to stay in "that messy camp," Raymond, a stiff-legged picker, offered to get me a room for about $8 a week. And an aging woman offered to let me share her place "to keep me from that trouble" and maybe "save your life."

Practically all my coworkers each day voiced the sentiments of the first crew leader I had asked to intercede for me about a job at the camp. He said, "If I wuz you, I wouldn't move in. You subject to get beat or killed if you git in and try to leave or git in trouble."

The alternative to joining the camp crew was to continue staying at Fort Myers or Immokalee or Naples and pick up jobs with bus-driving crew leaders. Because I wanted "in" and so many of those in wanted "out", I became the subject of a lot of talk that became more vocal when an ambulance with flashing red lights drove through the field that day toward the camp crew.

Pointing and yelling, a picker across the road shouted to me: "See that? That's what they'll be sending for you. When it gits in the newspaper, it'll say you had a fit and died."

The whips and guns hanging in the rear windows of foremen's trucks made me wonder.

While working a few days later with "Cowboy," another crew leader, a platted leather whip attached to a two-foot staff was taken from a truck driver by a young foreman called "Wayne". But I was too tired, too sore, and too numbed to worry.

I had lost the lugging assignment and was picking an outside row next to the grassy bank of a large drainage and irrigation ditch. Some others didn't want to pick this row because they had seen snakes in a nearby field. A giant ache throbbed up and down the center of my back and spread out at the base. Sometimes I could not straighten up because of muscle spasms and pain.

My compassion for the gray-haired picker on the first row, who was called "Old Man", vanished, for he seemed better suited than others for picking. His body was permanently stooped at about a 44-degree angle.

Big Bad John had this job for me with Cowboy after I showed up a little late for his bus and found all spots filled.

I bought dinner in the field that day, paid no sales tax, suffered again of thirst during the afternoon, and earned a little less than the $1.15 an hour minimum wage for large farms. (There is no minimum pay for small farms not covered by wage-hour laws.)

No Social Security tax was withheld any day I worked and no one asked or knew my name or Social Security number.

My earnings varied: $10.25 for nine hours one day, $9.25 for eight hours on another day, and then $9 for eight hours. Day haul workers are paid in cash, usually by the crew leader, but Wayne, the young foreman, helped pass out the money to "Cowboy's" crew.

Crew leaders, like operators of rolling company stores may make extra money. For example:

Enroute to the field on one bus, cold drinks were sold to me for 20 cents and boiled eggs for a dime each. A hot dinner consisting of a small portion of rice, gravy and part of a chicken wing cost me 75 cents. A slice of cake was 25 cents and a candy bar was 15 cents. No sales tax was required, and nobody seemed to worry about whether those serving had clean hands or health cards.

Some buses that transported workers to and from the fields of Naples Fruit and Vegetable Co. were unsafe. The front wheel ran off a loaded bus Freddie Commodore was driving. Luckily, the vehicle had arrived in the fields around Camp Happy and was moving slowly. No one was injured.

[From the St. Petersburg Times, Apr. 22, 1968]

FOR THE MIGRANT, GETTING A JOB IS A JOB IN ITSELF

(By Samuel Adams)

FORT MYERS.—I was still gulping down strong, black coffee when a Puerto Rican migrant ordered "one inch" of coffee in his styrofoam cup. He paid 11 cents, then proceeded to fill the cup with cream and sugar from the counter.

"If you want coffee, I'll sell it to you, but you can't have a whole cup of cream and sugar for 11 cents," the tall graying proprietor spouted angrily.

It was 5 a.m. and dark in the small dingy restaurant. "Mac" and "Miss Pheobe" were serving breakfast to those who had money. Sometimes it was mullet with grits, egg with grits, and very popular was pork chops with grits. Most only bought coffee and stayed near the window so they could see the approach of buses they might try for a job.

"There comes dat Camp Happy bus."

"Is Robert driving it?"

"No, he got a job making about $2 a hour."

The green bus, bound for Camp Happy, was inscribed "Naples Fruit and Vegetable Co." I dashed out, spilling my coffee. There wasn't time for breakfast or to buy lunch.

"Big Bad John" stood in the doorway of the bus surveying his regulars who made their way. I had been turned down often along with many others begging for work. This time I decided not ask for a job but to take one.

I pushed my way on—not first, but nearly—as if I were a regular, asking as I squeezed by, "Where's Robert today?"

"I don't know," answered Big John, the square shouldered Mexican crew leader. "We take 22," he yelled inside to Benny, the Puerto Rican driver who was married to Rosa, one of Big John's 14 children.

I felt sick seeing so many, wanting and needing work, turned away. One regular who had been on the bus but left to buy something to supplement his lunch returned to find his place filled.

He came aboard cursing to retrieve his greasy bag from the seat he left it on. One day he would be needed, and he might say "No" just to get even, he said.

It was still dark, but I kept my face turned away from Benny, who kept counting, recounting and looking. I feared being dropped. I had spent several days trying to get hired and each time was among the nearly 200 rejected.

Not knowing what to expect, I worried about going all day in the hot sun without food. When we pulled off I mentioned it to the old "Geechee" (mixture of slave-English dialect found near Charleston, S.C.) woman who sat next to me. She told me the bus stopped every day at Morrell's Grocery en route to the fields. Then we waited for the store to open and pay its prices.

I ordered three thin slices of bologna and cheese. The middle-aged storekeeper put it on the scale and pulled it off in one motion. He left not time for me to check quantity or price.

"Thirty-five cents," he said, his tone suggesting finality. "Don't you also want a loaf of bread?"

Instead, I found a long cuban sandwich. "Eighty-seven cents," he said.

I was a penny short and he wasn't budging. The Geechee woman came to my aid with the penny.

I was carrying a surplus army gym-bag inscribed with an assumed name. In it were a change of underwear, extra pants, shirt and socks.

In the fields we drove through hundreds of acres before stopping at a preselected tomato plot. I became a tomato picker and the only instruction given was that "We gonna get pinks."

I had a middle row and I struggled vainly to keep up. Benny, whose job now was "field walker," checked my row and, finding I had left some pinks, called me back to the beginning, putting me further behind. I began picking everything that bordered on being pink, but then I was chided for picking green tomatoes. Actually, all looked green except a few that were over-ripe.

My red-green color blindness didn't help, as I learned that the color changes begins first at the bottom of the vegetable. This meant stooping and inspecting the bottom of each one. I was failing the test and feared getting fired while attempting to work my way in as a resident of Camp Happy.

Benny suggested that I "go lug" and "tell that lugger to take your row." I grabbed two red plastic buckets and took on the job which required only strength, mobility and a strong will to keep up.

Between trots to pick up filled buckets of pinks, I grabbed wooden cartons to arrange them to be filled and stacked.

Toward the middle of the day, a tractor with long arms that spread over nine rows came creeping behind us spraying a chalky wet chemical on the tomatoes.

We stopped for a minute to let the vehicle pass, and the pickers went immediately back to work. Because I feared the spray might be a poisonous solution, I delayed going back by faking something wrong with my shoe. But the others began yelling for me to relieve them of filled buckets.

"I ain't the kinda guy to run from work," I said trying to impress Big John, whom I had asked to help me get into the camp.

My story about having no place to stay won the Mexican's sympathy and he told me I might spend the night at his place if I did not get word that everything was prepared for me to move into the camp. A foreman had said the delay was administrative, that they needed me, but would have to get the okay of Jack Branch, the camp manager.

The place I was given to sleep was too nasty. But I did not want to appear too fastidious and create suspicion about who I really was. It was an abandoned house next door to Big John's.

Roaches were crawling. I decided to stay only long enough to convince my benefactor I was his kind of migrant, and before returning home I would obtain medicine to prevent any infection from a splinter I had received in my hand.

Soon I could stand it no longer, so I left. I returned at about 3:30 a.m., but instead of going back into the house, I slept on the bus parked out front.

When Benny, his wife Rosa, and Big John joined me on the bus at 5 a.m., the Mexican crew leader said, "I thought you had gone. I check last night and you not there."

"I met a gal and fooled around a little while," I chortled.

Big John seemed satisfied with my story. Whether I get in the camp or not, I can lug tomatoes with Big John's crew, he assured me. From my assumed accent, he said it sounded like I was from Georgia. He prides himself on being able to tell. To him, "Florida boys" are bad news. "They're crazy." Guys like me 'from Georgia or South Carolina" are good guys. I continued to work with him.

[From the St. Petersburg Times, Apr. 21, 1968]

Migrant's Lot Not a Happy One at Camp Happy

(by Samuel Adams)

For the past several weeks Times reporter Samuel Adams has been investigating conditions facing migrant farm workers in the Fort Myers and Naples areas. He spent three days in the field picking and hauling tomatoes, and talking to men who work at a labor camp called Camp Happy. He was denied entrance to the camp himself—he was told—because he was from the Fort Myers area and the camp wanted only out-of-state workers. Since then he has spent days interviewing migrants, anti-poverty workers and crew leaders. Here is his report.

Fort Myers.—They call it Camp Happy, But, despite the sometimes rollicking drinking of migrants living there, there's sadness at the camp and farm fields which surround it.

This is the impression I received while working in the fields beside migrant farm laborers for several days—talking with them, riding to work and afterward.

Carl Glidden, president of the company which operates the camp, sees things differently. He believes the majority of workers in and out of the camp are happy.

But he adds: "It doesn't matter what you do for them, they just aren't satisfied."

Migrant workers who have lived at the isolated camp say:

Workers are forced to stay because they usually are in debt to camp operators from the time they arrive.

Their main escape is wine, women and "juking."

The cost of beer and cheap wine at the company store is high, and most workers couldn't buy it elsewhere (due to transportation problems and the isolated camp).

There are only a few women among some 150 men. And some of these earned money for favors.

Enforcers of camp rules beat up those who get out of line.

Outsiders are prohibited from visiting and grounds are posted "Private Property, Postively No Trespassing."

Many of these complaints were confirmed in personal interviews with migrants now working in Fort Myers, and by anti-poverty officials seeking to improve plight of the migrants.

A court suit is pending in a Miami federal district court contending labor crews sent to the farm by the Texas State Employment Service were not paid wages they were promised and were given inadequate housing.

The complaint was filed against the Florida State Employment Service and Naples Farm Inc., which has close financial connections to the Naples Fruit and Vegetable Co.

Camp Happy is the self-contained camp for almost 200 migratory workers. It is about 30 miles south of Fort Myers, about the same distance west of Immokalee, and eight miles north of Naples. Corporation president is Carl Glidden, Naples; manager is Jack Branch, gun-toting former contract labor boss from Immokalee.

Former camp residents tell of midnight escapes, fights, beating, peonage-like prohibitions against leaving while in debt to the company, and economic controls that keep many workers in hock to bosses.

The camp recruits some of its resident work crew through state employment services in farm labor supply states, the bulk coming this year from South Carolina. Local "day haul" crews from Naples, Fort Myers and Immokalee are brought into fields around the camp each day additional workers are needed.

Many camp migrants are in debt when they arrive, owing for transportation from out-of-state. Some claimed being charged also for rental of sheets and blankets. Records show room and board to be $15 a week, which alumni say was payable whether a worker is or not at the company mess.

Wages for a regular six-day 51-hour week was about $51, but take home pay was often less than $20 because of debts to company stores, advances and other charges.

Some former camp inmates now commute in day haul crews that harvest various farms in the area. One of these has just completed six months in the Collier County jail from charges stemming from a visit to Camp Happy.

His crime was "trespassing." He was hired on a farm labor bus that went into fields around Camp Happy a year after he had been told not to return.

Mike Walker, 25, thin, weak-looking migrant, says he did not know where the crew leader was taking him when he hired on as a tomato picker that November day. Shortly after he began work he was recognized as someone who swam a creek and slipped away from the camp during the night, taking with him two other disgruntled workers—"Wilbert" from Mullins, S.C., and James Michael Murphy from Larlington, S.C.

Walker said they sneaked through the woods, and when they came to the paved road leading into Naples, they would lie in the weeds to dodge car lights and keep from being arrested on possible charges of "beating the board bill."

Mike had lived at the camp for about 10 days before leaving. Thinking the camp owed him money, he went back to collect shortly after his escape. But he was told he owed the company $6 and that he had better leave and not return, he recalls. He went back to the farm as a commuting worker a year later and was arrested.

"He's the one been lying 'bout us," Walker said he heard one man say.

"Yeah, He took those boys off," said another.

According to Mike, the dialogue was between camp manager Branch and Glidden, president of the fruit and vegetable company. He alleges they threatened to bash his head but did no violence to him.

"By the time we got to the place where the dispatcher was, they had two police cars waiting for me. And they said, 'lock him up for trespassing; he's one of those social workers trying to cause trouble.' "

Walker, who now is a community aide for Community Action Fund, Inc., was convicted of "trespassing after warning" by a Collier County jury. Half of his six-month jail term was for having knife in his pocket at the time of his arrest—a standard tool for many farm laborers.

After his release from jail a few days ago, the thin laborer said the isolated Camp Happy company store profited from large mark-ups and a virtual monopoly over items otherwise inaccessible to its trapped consumers.

He reported: Pocket combs which could have been purchased elsewhere for a dime cost a quarter. So did 15-cent containers of hair grease. A can of beer retailed for 50 cents, and a half pint of cheap wine was $1. Used shirts and pants were available for $1 each.

Walker and other camp residents said most items could be purchased at the camp on credit, provided the worker had an ID number and a ticket (scrip) to show he had been working. The tickets served as collateral for continuing credit, keeping the laborer in debt. Those owing were free to leave only after accounts were settled, he said.

In the late evening after work, camp residents line up in the field to receive their (scrip) tickets. They line up again near their camp quarters to receive small advances they are encouraged to take each day to spend for wine and other items at the company store.

The salary advance usually is $3 a day, according to Steve Poklemba, comptroller for the Naples Fruit and Vegetable Co.

From the road the camp appears handsome. Inside is different. It includes several long barracks covered with aluminum siding and many small cubicles that look like tool sheds sold by large department stores.

"Inside, they are like most other camps—plywood partitions and six-man rooms—terrible," said Walker.

The camp flies an American flag, has an unused guard house at the entrance, and except for two entrance roads is cut off from the main road by a canal. Several miles deep in the fields are larger canals circling part of the farm. A migrant farm woman was reported drowned in one of the canals recently. Some other deaths in the area have been attributed to epileptic fits.

Branch, camp manager, was hospitalized last week for lung surgery and was unavailable for comment. He is described as a gruff-talking, stocky man with a big stomach. "He keeps henchmen around him. And he's got a bat and some say they have been beaten in the ribs with it," says Walker. "It's called his lazy-boy bat."

Answering the criticism, Glidden said, "There's nothing to it as far as I known." He said the camp is under the management of Branch but he believes some of the accusations are unfounded.

"When you get 200 to 400 in a camp, you're bound to have some problems," Glidden said.

Glidden said he does not spend much time at the camp, but in reply to the question about whether camp manager Branch had beaten workers, he replied, "I don't think so."

He said "We are running a nice camp." And he told of medical and other benefits to workers. He said Branch on one occasion took a machine gun from a white worker who was threatening his roommate. The gun now is kept at the camp and can be seen, he said.

There has been a good deal of turnover at the camp, but some migrants have been there since it was opened, said Glidden. They will confirm the opinion it is a good camp, he added.

He said the company would lose money if the workers were permitted to leave soon after getting to the camp. But he allows them $2 on their travel expenses for each week they work, allowing $10 after five weeks, he said.

[From the Fort Myers (Fla.) News-Press, Mar. 20, 1968]

250 FAMILIES HUNGER—MIGRANTS NEED AID COMMISSIONERS TOLD

IMMOKALEE.—Recent adverse weather conditions and low farm prices have created an unemployment situation here which has brought hunger to between 400 and 500 people, Mrs. Marion Fether said Tuesday.

Mrs. Fether, who has worked for years with the migrant committee here, told county commissioners in Naples Tuesday about 250 families are suffering severe hunger because of the combination of farm conditions and restrictions which forbid local government assistance.

"We will gratefully receive any contributions," Mrs. Fether told the News-Press Tuesday evening, "to help us feed these people during what we feel will be a temporary situation."

Less than $1,000 in money or food stuffs, Mrs. Fether said, would carry the families through the next two or three weeks when agricultural harvests are expected to pick up again and put farm workers back in the fields.

The combination of high winds and low temperatures delayed ripening of some crops, and prices on others fell so low in the markets that it did not pay to pick the harvest, farmers said.

The migrant committee, a Florida corporation, has found during the past few years, Mrs. Fether said, that there are mostly "semi-permanent" residents in the agricultral labor force here.

These people, she said, are suffering along with the farmers whose crops have been depressed during the period from about Jan. 10 this year.

Collier County does not participate in either of the U.S. Department of Agriculture's food programs designed to assist needy persons, either through distribution of surplus commodities or through the sale of food stamps redeemable at grocery stores for more food than they cost.

[From the Fort Myers (Fla.) News-Press, Jan. 4, 1968]

FARMER PROTESTS TAXES, PREFERS COLLIER COUNTY

A Lee County farmer warned the County Commission Wednesday to "hold the line on taxes" and indicated he would welcome the opportunity to switch his holdings to Collier County if secession were still possible.

Clifford B. Kinley, who owns 640 acres east of Estero just north of the Collier County line, said his taxes had risen 1,554 percent since 1955. In a letter also addressed to Tax Collector Dawson McDaniel, Kinley declared: "If the local tax inflation, together with the federal, keeps on rising, there is real danger of a complete economic breakdown which could be the worst ever experienced."

Kinley said the first tax bill for his property, in 1955, was $74.97. "Each succeeding year," he wrote, "it has increased until the current year which is for $1,164.90. This is a total increase of 1,554 per cent since 1955. This is certainly greater than the rise in land value during the same period."

TIMBER AND SWAMP

Kinley, who maintains 564 acres of cleared land (presumably for crop-growing and pasture) and 36 acres in timber, also has 40 acres in swamp. His letter expressed a measure of dissatisfaction with the county's services.

"I am sure you must know that the county has not supplied any roads in this area," he said. "The only help has been from the County Agricultural Agent's office, which is appreciated. Perhaps I should also mention two visits from four or five mosquito hunters who were not sure whether they were in Lee or Collier Counties. The work they did could have been done by one man in about 30 minutes. I want to assure you that the cattle egrets and purple martins are better mosquito controllers than your boondoggle unit."

Kinley's land is in what is known as the Corkscrew area which he says, "should really be in Collier County," anyway.

"Vegetable produce has to go out through that county over roads built by the farmers and landowners at a cost of several thousand dollars," Kinley stated. "It is well-known that the tax rate in Collier County is considerably lower than Lee. Also Collier County seems to be able to build roads in agricultural areas."

SCHOOLEY COMMENTS

The commissioners referred the letter to Tax Assessor Harry Schooley for his attention.

Schooley told a reporter later than Kinley's assessment had been reduced from $71,360 to $60,080 after the countywide revaluation because it was agricultural property. It was taxed at $3 an acre in 1955, Schooley said.

"I am sure he could sell at the present assessed valuation," Schooley declared, adding that county roads were available to him along the Corkscrew ridge.

Kinley enclosed a check for his full tax bill with his letter.

Schooley said he planned to send an inspector to the farm this week to see if Kinley hasn't erected improvements on his land which have not been evaluated.

"I'm pretty sure he may have some buildings over there that we don't know about," the assessor declared.

14,000 MIGRANTS COME TO COLLIER FACILITIES

(by Tom Morgan)

EAST NAPLES.—Collier County officials are proud of their efforts to handle the annual influx of migrant workers that may exceed 14,000 in a county with normal 30,000 population but say they are handicapped by state law and may be even more so by expected federal changes.

State law requires a year's residence in the county before qualification for welfare payments. Payment to unqualified people could bring state auditor's complaints and perhaps indictments.

Efforts to regulate migrant labor camps may be further limited by federal plans to deemphasize some programs and end the environmental health program aimed at improving such camps.

"Smith's Camp," cited in a New York Times story, was supposed to have been abandoned, but it is only one of 100 or more camps that must be watched by only two county sanitarians, one a trainee, who have the job of covering a county twice the size of Rhode Island.

County officials say they are unable to hire more sanitarians because of a shortage of trained personnel in that field.

Some camps spring up overnight and unofficially in old tents or bus bodies and shacks hidden in the woods without county approval.

"We have 22 camps under permit," Bob Wheeler, county environmental health director, said. "Every camp that applied we have worked with and gotten to minimum standards or closed. The full camp situation is the subject of a four month survey we are just completing which should be ready in 10 days and tell exactly what the situation is.

"I don't claim there aren't migrants who are hungry and camps that are substandard, but we are making progress."

Dr. Charles Bradley, county health director, said that contrary to reports of lack of medical aid and medical expenses for migrants, the county has an effective medical program with the help of local pediatricians and doctors and Mt. Sinai Hospital cancer team from Miami.

"Doctors are free for the migrants," Dr. Bradley said in his office as migrant kids squealed and cried around him while being examined. "The doctors help out on this."

A woman mentioned in The Times' story who pleaded poverty had just had a major surgical operation at county expense, he said.

Like Wheeler, Dr. Bradley said the camp survey would throw more light on the facts of migrants' needs and circumstances.

"It will be the first that can really show us a lot," the doctor said: "Then we can make suggestions. Right now we have no control over some camps, but we figure some roof is better than none."

Other officials pointed out the story did not mention high quality camps in Collier which have been listed among the best in Florida.

The Times story referred to "a long history of snubbing federal aid, even during the depression" in Collier. County officials said this was a misunderstanding of county efforts to continue a traditional policy that "Collier County takes care of its own."

The latest county refusal came on federal plans to supply $434,000 yearly in surplus food. The plan was rejected last year after County Commissioners said they heard that qualifications would be by federal, not local standards and subject to possible federal court suits.

The amount was based, they said, on "a top of my head figure" worked up by a state commodity distributor on a pro rata extrapolation of figures obtained in a totally dissimilar north Florida county.

The Collier school system for years has given free lunches to needy children and this year widened the field to end any restriction on formal requirements. A year ago Immokalee school children had 98 percent participation in school lunches, ahead of the county's 83 percent average which was then Florida's highest.

APPENDIX C-4

NUTRITION—NEWSPAPER CLIPPINGS

[From the Miami Herald, July 19, 1968]

SURPLUS FOOD PLAN MAPPED FOR COLLIER

4,200 PERSONS QUALIFY

(By Tom Morgan)

EAST NAPLES.—A $434,000 surplus food program for the needy which would cost Collier County up to $45,000 a year to administer was mapped Thursday for the County Commission in a special session.

E. Lee McCubbin, director of commodity distribution for the State Department of Public Welfare, detailed the proposals in suggesting that *Collier should be the 19th new county to join the 28 counties* already under the joint federal-state program.

He estimated that 4,200 persons or 15 per cent of the possible 27,700 population are probably qualified to obtain free food under such a program although only 795 or 2.9 per cent are qualified for the state public assistance rolls.

McCubbin admitted that the estimate was his own based on percentages prevailing in the North Florida tobacco growing county of Gadsden and denied they had been obtained from the discredited survey publicized by the South Florida Migrant Legal Services, which he said estimated up to 19,000 migrant workers here during the season.

"I'm sure they're going to exert pressure to get the program going" he said.

He estimated the county could obtain 151,000 pounds of foods monthly ranging from butter through farina with an annual wholesale value of $434,000, "so you can see the potential benefit to needy households."

The director admitted the county would have a problem in administering the program to see it reached only the deserving.

"I'm for people who're hungry getting food," said Commissioner Bill Sentell, a farmer, "but when they're getting $15 a day, I know of some who won't come back to work until they spend it."

Commissioner Cliff Wenzel noted the county last week had 58 people ask for food but could hire only seven when it offered jobs even though some months ago representatives from Immokalee had asked county job consideration.

McCubbin said it is impossible to make people 65 or older do hard manual work but Wenzel said the county felt its responsibility for the ill and the aged so this is not the problem.

The program would be limited to people living as a unit with cooking facilities. If any are cut off they could appeal with the appeal going first to the County Commission.

[From the Miami Herald, July 11, 1969]

COLLIER REQUESTS FOOD STAMP PLAN

MOVE COUNTERS PAST OPPOSITION

(By Tom Morgan)

EAST NAPLES.—A food stamp program for the needy will be sought by Collier County, commissioners agreed Thursday, reversing a past stand on welfare aid but insisting on program supervision by the OEO's CAMP (Community Action Migrant Program).

Under the CAMP program, CAMP officials would supply names of needy individuals. Those individuals would be certified as needy by the Collier County Welfare Department. Then CAMP would make food stamps available to those persons, and at the same time try to enroll them in rehabilitation programs geared to making them self-sustaining wage-earners.

CAMP also would agree to check the continuing need on the part of food stamp and training recipients.

Previous plans offered free food, but with no provision for rehabilitation or removal of individuals no longer qualified for the program.

Collier was the first county in the nation visited last spring by a Senate committee investigating hunger and malnutrition among the poor.

"There was a lot of adverse publicity from the investigating Senate committee, and since then there have been certain noises from reporters," Commission Chairman Les Whitaker said in calling for the stamp plan.

Under the plan the needy buy food stamps from CAMP at a price lower than the face value of the stamps. The stamps are redeemed at local grocery stores for food purchases at face value. The federal government then reimburses the grocer for the face value of the stamp, paying the cost of the program from federal funds.

Whitaker said the adverse publicity might benefit the county by speeding up the stamp program which he said is now sought only by three other Florida counties—Dade, Orange and Alachua. Whitiker declared past stories the county had recently refused federal food offers were untrue because "the Agriculture Department never contacted anyone here on the problem.

"The articles went all the way to Washington and started the ball rolling," Whitaker admitted, and added that he had gotten in touch with federal and state officials and at a meeting here Wednesday "attempted to set up some kind of a program."

The chairman said he felt the best answer was to work with CAMP, which has a training program also to improve the needy and get them jobs. The commissioners nearly two years ago rejected a state-federal free food program because the board felt a permanent welfare community would result.

Whitiker said he felt that CAMP had the right program and that as a result of the publicity "I think we can get a special deal on food stamps for this and perhaps Hendry County."

"The difference is CAMP," Whitaker said. "We have worked with them for two years and they have done an excellent job. They will take the applications and we will have our own investigator to determine if people our actually qualified."

The chairman said that CAMP checks to see if there are able-bodied people in welfare families and gets them jobs, or trains them for jobs. The group also aids the handicapped. He cited a case of congenital foot defects where CAMP obtained remedial surgery, and the man involved can now work.

"They make every effort to put these people on their own," Whitaker declared. "Otherwise there would be no effort to find employment."

"That's the only kind of program I'd support," Vice Chairman A. C. Hancock said.

Whitaker said he already has talked over the plan with state and federal men "and we have the assistance of Rep. Paul Rogers and others in Washington." He added that the Department of Agriculture and the OEO are out of funds "but due largely to the publicity in our case there are indications they will come up with money."

The commission gave unanimous approval to the application.

[From the Fort Myers (Fla.) News-Press, May 15, 1969]

FOOD STAMP BID MADE BY COLLIER

NAPLES.—Collier County Commission Chairman Les Whitaker was given permission to apply for a food stamp program to be administered by the Community Action Fund's Migrant Program (CAMP) Thursday by the county commissioners.

Whitaker said indications from Washington, D.C., are that Collier County has a good chance of being approved for the stamp program.

"We received a lot of publicity last winter from the Senate Investigating Committee, and we have received a lot of static since for not having some type of surplus food program for needy people," he said.

Whitaker asked for permission to write a letter to the OEO office in Jacksonville requesting establishment of the food stamp program and that it be administered by CAMP, a part of the Federal office of Economic Opportunity.

"I have been working with OEO people, officials involved in CAMP, and with Congressman Paul Roger's office in Washington," he told the commissioners. "I think my efforts have been successful because I have been told to get your approval of filing a request for the stamp program."

Whitaker said if CAMP administers the stamp program they will review all applications received to be sure the applicant truly needs the food stamps. They will then strive to find a job for some member of the family getting the stamps so the family will become selfsustaining.

[From the Fort Myers (Fla.) News-Press, July 11, 1969]

DUNBAR COMMODITY FOOD STATION URGED

(By Patrick Kelly)

Lee County commissioners heard complaints Wednesday about the efficiency of the federal commodities program as administered by the County Welfare Department and agreed to study ways to improve it.

The commodities program was designed to make surplus food items available to the poor, but the commissioners were told many of those eligible didn't receive this assistance because they were unaware of it.

The gist of the complaints was:

The people on state or county welfare rolls were not fully informed about the various types of aid on which they could call.

There is a communications gap between the white administrators of the welfare programs and the Negroes who are dependent on welfare money to live.

The suggestion was repeatedly made that the commodities available for Negroes be placed in a warehouse somewhere in the Dunbar area and that a Negro supervisor be placed in charge of them.

Commission Chairman Julian L. Hudson said after the session that he considered both suggestions "reasonable."

"We'll take them up during our budget sessions," he declared. "I don't imagine the employment of a Negro to supervise the distribution of commodities to Negroes is much of a problem. But the warehouse might be difficult. It would depend pretty much on how much refrigeration would be needed. Perhaps someone would loan us a building, but refrigeration is costly."

He explained that perishables have to be kept at the distribution point every day in the week because groups of welfare recipients are assigned different days to call for their food to prevent overcrowding.

The complainants were restrained in their statements. The commissioners patiently listened to each, occasionally posing questions to amplify a point.

The complaints were voiced by Mickey Kantor and T. Michael Foster, attorneys for the South Florida Migrant Legal Services Program Inc.; the Rev. Z. D. Coaston, pastor of the Mount Herman Primitive Baptist Church; Mrs. Veronica Shoemaker, one-time candidate for Fort Myers City Council; Willie B. Green, vice president of the Lee County Branch of the National Association for the Advancement of Colored People; and Reuben Mitchell, director of the local community action program.

Present at the hearing on the invitation of the commissioners were E. Lee McCubbin, director of the commodity distribution section of the State Department of Public Welfare, Gerald E. Evans and John Hughes, also from the state department. County Welfare Director Bob Craft was present but did not make any statements.

Kantor said he felt the commodities program was not reaching enough people—particularly migrant agricultural workers. Chairman Hudson replied that the commission was required to comply with federal and state regulations.

"We can't reach everyone," he said. "We are limited, probably to the most needy."

Kantor replied that an "outreach" effort was needed to publicize the program.

Commissioner P. A. Geraci asked if posters and TV announcements would be effective and Kantor said they were probably the only effective way of communicating since, he said, many welfare recipients do not read the newspapers.

Mrs. Dorothy Classon, county home economics agent, told how she tried to publicize the various programs available for welfare recipients with the help of Negro aides who sought to teach them how to make use of the foods given them.

Mrs. Shoemaker said some welfare recipients were self-conscious and sometimes misinterpreted the attitude of welfare officials. They didn't "spread the word" because they felt they were not treated with compassion, she said.

The Rev. Coaston said Negroes have been "conditioned" through the years to endure the hardship of discourtesy, but they didn't take full advantage of what was available because they tried to avoid being confronted with official brusqueness whenever possible.

Mrs. Shoemaker said she was employed in Page Park for years and never knew the welfare department warehouse was adjacent to Page Feld. She said Negroes without transportation were forced either to use taxicabs to pick up food allocations—or go without.

"What is needed," she said, "is a distribution center for Negroes in the Dunbar area where they won't be afraid to go—and where they will find a Negro in charge."

[From the Fort Myers (Fla.) News-Press, Apr. 9, 1969]

BOARD IS TOLD GOVERNMENT MUST OPERATE FOOD PLAN

(By Fred Winter)

NAPLES.—The federal government has told Collier County, food stamp program administration cannot be delegated to non-government bodies.

The commission wrote the Consumer and Marketing Service of the Department of Agriculture last month, asking that, "if food assistance is to be given to low income families in Collier County, such assistance be made through the food stamp program."

Additionally the request asked "if the food stamp program is made available, it be administered by the Immokalee Migrant Committee Inc."

"Administrative responsibility for the food stamp program on the state and local level is delegated to the state and local welfare agencies," responded Howard P. Davis, deputy administrator for consumer food programs.

"Therefore," he said, "the administrative responsibility cannot be delegated to another group or organization."

He also said that before the program can be begun, "local officials must request it from the state welfare agency who must then ask for it from the Department of Agriculture on behalf of those local areas in which it wishes to administer the program."

"I'm pleased to find out how that's really handled" commented Commissioner Ewell Moore.

"I don't want to let these people push me into this," said Vice Chairman A. C. Hancock.

"We would have no way of controlling (what stamp recipients do with the food stamps)," said Commissioner Cliff Wenzel, "they might just trade them to buy wine."

"Even if they did," said Hancock, "we couldn't deny them the commodities."

Davis, in his letter, said his agency does "not have a request on file on behalf of Collier County by the Florida State Department of Welfare.

"In the meantime," his letter says, "the commodity distribution program is immediately available and county officials in Collier County may apply to the state to make arrangements to enter it.

"Under this program, USDA-purchased foods are donated to households in need of them."

Collier commissioners have taken the stand in the past that initial expenses of storage and costs of administration would be too expensive to handle a commodities program here.

The current discussions on food stamp and commodities programs spring from the March 10 visit of the U.S. Senate Select Committee on Nutrition and Human Needs.

Local area officials reacted sharply against what they termed "a misrepresentation" of the facts of the lives of agricultural workers in the Immokalee area.

During the visit of the senators, Governor Claude Kirk defended Collier's stand against adopting the federal government's food stamp program.

But Collier commissioners agreed Tuesday they are not closing the door to federal food assistance, but are maintaining their position that "We want it done right, so the ones in need get the food."

[From the Miami Herald, Apr. 30, 1969]

FOOD SUBSIDY PLAN SOUGHT AT STATE LEVEL

(By Tom Morgan)

EAST NAPLES.—A $2-million food stamp or commodity surplus program to cover all Florida counties is the aim of a bill submitted to the state Legislature by Sen. Lee Weissenborn of Miami. The proposed legislation, which would allow the state to serve as the intermediary in present federal programs, was explained Tuesday to the Collier County Commission.

The bill for "a state funded and state administered food program for each county to insure the existing programs at no cost to your county" was described in a letter from Weissenborn which was read by Chairman Les Whitaker.

The letter explained that the act would cover the federally funded food programs in which many Florida counties do not now participate. Collier had refused to join in the surplus commodities for welfare purposes last year because of what it said were high administrative costs.

It participates, through the School Board, in commodity distribution to schools. This aid would be exempt from the bill as would be aid to charitable and child care institutions, state non-penal units, children's summer camps, and Seminole and Cuban refugee programs.

"Under my bill this (aid) would be administered by the State Department of Public Welfare," Weissenborn wrote. "The bill has been sent to the full Committee on Health, Welfare and Institutions and will have a hearing on Friday."

The commissioners expressed interest in the proposal as a possible solution to welfare food problems that brought adverse national publicity during a recent county visit of the Senate Committee on Hunger and Malnutrition.

After that visit, the County Commission had sought to take part in the food stamp program but was told by the federal government that it could not do as it wished and allow the longstanding volunteer Immokalee Migrant Committee Inc. to handle the stamp issuance and redemption because the group is not a government agency. The commission had suggested the committee because it is on the spot in Immokalee, familiar with the problems there, and experienced in meeting them.

Since Immokalee is unincorporated, there is no local government there which could handle the food stamps. The County Commission felt that operating the program in that area from East Naples 42 miles away would be difficult.

Weissenborn's bill would establish the State Department of Public Welfare as the sole agency to administer food stamp and surplus commodity programs in Florida and require one program or the other to be put in effect in every county. The county commission in each case would choose the type of program to be used, but the state would handle the applications to Washington.

[From the Fort Myers (Fla.) News-Press, May 28, 1969]

COMMITTEE BACKS FOOD STAMP PLAN; COLLIER CRITICIZED

TALLAHASSEE.—A bill requiring all counties to participate in either a food stamp or surplus commodity program for low income persons was cleared by the Senate Ways and Means Committee Tuesday.

The bill as originally introduced by Sen. Lee Weissenborn, D-Miami, called for the State Department of Welfare to administer the program with a $2 million appropriation.

But the measure was amended to eliminate the state appropriation and now would require counties to bear the cost of administering the program with all other costs borne by the federal government.

Presently 16 counties do not participate in either program. "The question is whether the state should set a policy that counties should provide these programs or let the counties decide," said Sen. Lawton Chiles, D-Lakeland, chairman of the committee. "Some medium sized counties like Collier that should be doing this because of the large number of migrants, aren't," said Sen. Kenneth Myers, D-Miami. "It should be a state policy."

[From the Miami Herald, June 26, 1969]

ODDS AGAINST POOR RECEIVING FOOD

(By Elizabeth Heddericg)

WASHINGTON.—Federal food programs are just not reaching enough poor, according to the results of a U.S. Department of Agriculture survey. But the report shows that Florida and some other southern states are doing better than the national average.

Pinellas County ties with Monroe County for the state's lowest percentage of poor reached by commodity distribution programs.

The report says only one-third of the counties in the country have a Food Stamp program, the other major federal plan. And of those counties only 16 per cent of the families in need of assistance are receiving Food Stamps.

Sen. George McGovern (D., S. Dak.), chairman chairman of the Select Committee on Malnutrition and Human Needs said:

"What these figures mean is that a poor American family has only one chance in three of living in a county where stamps are distributed and even if it happens to have the good fortune to live in such a county, this family still has only one chance in six of actually receiving any stamps."

In Florida, as yet, no poor are receiving Food Stamps because the program has not started in the one county in the state—Orange—which gained approval for participation.

That approval came less than two weeks ago, after the proposal was tied up in state Welfare Department red tape for about a year and a half.

Fifty-one of Florida's 67 counties participate in the food commodity distribution program in those counties the program reaches 2 per cent of the poor—five per cent above the 22 per cent of the poor reached on a national average.

On the county basis, Gadsden County reaches the highest percentage of its poor, 74 per cent. However, Pinellas County and Monroe County are both listed as having only eight per cent of their poor participating in the commodity program.

Percentages of poor receiving commodities in other Florida counties include:

	Percent
Dade	11
Broward	10
Duval	18
Hillsborough	13
Pasco	14
Hernando	24
Polk	48
Hardee	15
DeSoto	20
Leon	22

Florida counties which have no food program are: Collier, Osceola, Brevard, Charlotte, Citrus, Flagler, Indian River, Marion, Martin, Nassau, Putnam, St. Johns, Sarasota and Seminole. Orange County has no program at present. Hendry County has a commodity distribution program that serves only a portion of the county.

[From the Washington Post, Mar. 11, 1969]

FLORIDA OFFICIALS STUNG BY HILL'S HUNGER PROBE

(By Bruce Galphin)

IMMOKALEE, Fla., March 10.—A Senate committee turned the spotlight on hunger here today, but white officialdom said it still didn't see any.

Florida Gov. Claude Kirk testily accused the committee of ignoring him and refusing to allow the State Health Department director to testify.

The chairman of the County Commission angrily interrupted a network television filming session to accuse newsmen of misrepresenting conditions in Collier County.

But other witnesses appearing before the Select Committee on Nutrition and Human Needs offered statistics showing substantial nutritional and related health needs. And the Senators, in a 3½-hour whirlwind tour this morning, saw that housing is also a severe problem.

Kentucky's freshman Sen. Marlow Cook broke off from the main tour to make unannounced visits to migrant worker camps, and expressed shock at what he had seen.

He said he found "showers" that were no more than spigots "about two feet off the ground" and other housing conditions that couldn't pass urban code inspections.

At one camp, he said. "I shook hands with a man with wet paint on his hands." This was one of several references made during the hearings to last-minute sprucing up in Immokalee.

Sen. George McGovern (D-S.D.), chairman of the Committee, told a standing-room-only audience at the Bethune School here that he was "not singling out Florida . . . I suspect that in my own State, we will see problems of hunger and housing that are worse than those here."

Sen. Jacob Javits (R-N.Y.) remarked earlier in the day that he believed the Nation is on the edge of a breakthrough against hunger. "I think this is at last going to spark the conscience of America," he said.

During today's hearings, the hardest data on malnutrition came from T. Michael Foster, assistant director of the South Florida Migrant Legal Services Program.

He said the Florida Board of Health had investigated Immokalee a year ago and concluded ". . . there is no evidence of severe malnutrition or serious incidence in the migrant population."

But, said Foster, the Citizen's Board of Inquiry in its report "Hunger U.S.A." listed Collier County as one with a serious hunger problem.

Nearly 30 percent of the families in Collier County have incomes under $3000, Foster reported, and that does not include the migrant workers who nearly double the County's population in certain seasons.

Foster contended that the high disease rate among migrants in Collier County was circumstantial evidence of malnutrition.

Among children one month to one year in age, he said, the death rate is three times the national average. Among non-whites, he continued, the rate is more than six times the national average.

A survey of 23 Collier County farmworkers' children, selected at random, was made at Miami's Variety Children's Hospital, Foster reported. It found 38 clinical diseases among the 23 children, including anemia, respiratory infection and pneumonia. Hospital director Gerald W. Frawley called it "a most extraordinary morbidity rate."

The State Board of Health's own study showed Collier County has one of Florida's highest rates of incidence of new active cases of tuberculosis.

Gov. Kirk, who stayed throughout the hearings, said he "regretted" that the Committee had not checked with his office about data he said he already had on Collier County. And he said the Committee called a State Health Department nutritional officer while refusing to allow the director, Dr. Wilson Sowder, to testify. "I like to get the generals, not the corporals," the Governor said.

Kirk added later, however, "If there's any way we can help uplift them (migrant workers), we want to. We want them to grow and prosper with us. I think we too often make 'good' the enemy of 'better'."

A Committee spokesman said the panel had been in contact with Kirk's office and understood Dr. Sowder was satisfied with the testimony arrangement.

The flareup between the County Commission chairman, Lester Whitaker, and a CBS-TV newsman occurred during the morning tour of poverty areas. Whitaker interrupted while newsmen were recording introductory remarks, accusing them of lying about Collier County. When he was invited to state his own side on camera, Whitaker said newsmen would only "slant" his remarks, and stalked away.

Chamber of Commerce President Harold M. Reece, who had argued that people would not work if they had free food, said that if there were any food program at all, it should be administered by the Farm Labor Bureau, so that workers refusing jobs would be ineligible for food distribution.

[From the Miami Herald, Mar. 9, 1969]

IMMOKALEE: NO FAMINE BUT PLENTY OF MISERY

(By Matt Taylor)

IMMOKALEE.—It does not come every day for Mrs. Sanchez, but every now and then she must face her 10 children at mealtime and make a grim choice: Which ones to feed.

Her painful choice represents one extreme of a situation that will be investigated Monday and Tuesday by U.S. Senators who will journey to Collier and Lee counties to find out how widespread hunger is among Florida's migrant farm workers.

The senators will find there is no famine here, but they will find there is misery.

The choice she must make horrifies Mrs. Sanchez and her voice breaks as she stands with a baby in her arms and tells how she chooses which one will eat.

"I decide on what they like and what I have," she said, "and on what they are going to have to do. Sometimes I only have to choose about what part of the meal to give them."

She said if she prepares potatoes and beans for supper, some will get potatoes and some will get beans, but nobody will get both.

Five days a week Mr. Sanchez brings home $10 a day for laboring in the fields. He is a migrant with no hope of getting anything better. His family lives in a shanty that costs $15 a week.

If it gets cold—like last week—or rainy or the crops are bad somewhere else in the United States, the Sanchez family will find itself with no income at all.

They will get no help then from Collier County's commissioners. The commission does not consider migrant laborers their problem. Up to 10,000 migrants live in 50 "camps" in the area. At present, there are only about 7,000 and farmers complain there aren't enough to do the work.

"There might be occasional times they're hungry through a meal," said Ewell "Pappy" Moore, the county commissioner responsible for the interests of Immokalee.

Moore said "these people are farm laborers. That's all they are. They'll never be any different. They're that kind of people and they'll be that way till they die. They're farm labor." He said the Immokalee population is 50 per cent Mexican-American, 30 per cent Negro and 20 per cent Anglo Saxon.

"If anyone on that board (the county commission) knew of hunger they'd do something about it, he said. "There isn't a man on that board that would stand by and see people hungry."

Mrs. Marion Featters has been a volunteer social worker in Immokalee since 1952. She is now paid by the federal government in school program to help the poor. Mrs. Featters said about the county commission:

"We have been before them time and time again, asking for help for hungry people . . . and in 17 YEARS they have never spent one penny on migrants."

She added: "A couple or three times they did help us with the paperwork when we got emergency federal relief."

It was a reporter for The New York Times who stirred up the recent controversy over whether Immokalee has hungry people.

Homer Bigart, who has twice won journalism's highest award, the Pulitzer Prize, was not the first to discover poverty in Collier County, but he made it topical and in so doing brought the Select Committee of the U.S. Senate down for hearings that open Monday.

In Collier, news stories declared it wasn't so. Reporters talked to county officials or farmers and went home, chortling over inaccuracies and fabrications.

Most of the people that Homer Bigart talked to vanished. Within a few days after. The times story was reprinted in the Miami News, people who had been neighborly the night before were gone, suddenly and without word.

For that reason, the name Sanchez used in this story is a fabrication. The lady with 10 children has another name, but she is afraid to have it printed.

Others are not afraid, or are beyond caring. Here are some of their stories:

James Kelley is one man interviewed by The Times who is still around Immokalee. He is an old black man who thinks he is 56 or 57, but is probably mistaken.

He lives in a bus. Illness brought to an end his labor in the fields eight months ago.

At night when it is cold, Mr. Kelley lights a kerosene stove if he has any kerosene and sleeps on one of the seats. The seat is about 40 inches long. Mr. Kelley is about 65 inches long.

"De bus sweat at night," Kelley said. He opens a window so he can stay inside.

People bring food. "Sometimes they bring me fish to clean for them," he says, "and they give me some."

During the day he sits in one of the front benches of the bus looking through the front window at the shanty dead ahead, as though he was on a ride to somewhere.

In that shanty, a man died in a fire over a week ago. The charred mattress that held the body still smells of choking smoke.

All day long James Kelley stares ahead or nods in sleep, on a long ride after a hard life.

Call her Rosita. She lives within two blocks of the heart of Immokalee in a house owned by a labor crew leader—as many are.

Rosita's baby is two months old. It does not take a doctor to see that the child has a respiratory ailment—the breathing is labored and the child is running a fever.

Its home is a Time Saver bleach box. A cardboard box stuffed with old cloth. Flies swarm through the room.

There are gaping holes where the screens and the doors don't fit. A thin, reedy, useless cry comes from the tiny, watery-eyed baby as a fly lands in his mouth.

There are two rooms to the house—one is a bedroom just behind the general purpose room. There is an oil stove, electricity and indoor water. This is a luxury dwelling for a migrant. Rosita will probably not be here long.

Her husband is gone. Her rent is $25 a week and she is four weeks behind in the rent. Neither her home nor the others owned by crew chiefs of real estate specialists can expect much repair except when some investigation is under way. The housing shortage is acute and most residents "live outlaw"—that is, in condemned housing. If the law was enforced, the migrants would have no where at all to live.

Rosita would go back to the fields if she could work: But the baby is sick and there are two other little children to care for.

Because Rosita lives in Immokalee only eight months out of the year, she is not eligible for county or state welfare.

She is entitled to federal aid but Collier County, insisting it can take care of its own, refuses to allow a federal program to be started.

Mike Saucier (that is his real name) is 19 years old. A husky, shaggy blond boy with crooked teeth and a hurry-up job.

He is taking part in what has become Immokalee's big project: sprucing the place up before the senators get there.

Mike's task right now is painting what used to be known as Smith's Camp, a place made sordid by Homer Bigart's story in The Times and almost glorified in local reaction.

Bigart described the camp as "a dozen or more windowless plywood shacks, all without toilets or running water, all painted a dull green and all facing a dark slough . . ."

He said there was a spigot in the ground running with what the migrants described as "foul smelling and foul tasting" water.

The article mentioned filthy dwellings and cold water showers.

What Mike Saucier is doing, he said, everybody else is doing. "We all had a piece of fixing the place," he said. His shirt was smeared with a red paint that made him look like he had suffered a terrible wound.

The dull green shacks, under his care were becoming a blood red. "We been fixing the floors and the roofs, too," Mike said.

He walked over to the community shower stall and pointed proudly to some open pipes inside. "They're bringing out a water heater, too," he said. Smith's camp was sold to D. C. Clemons and Sylvester Hill of Immokalee after the visit by Bigart.

The "foul smelling" water described in The Times became something of a local joke. "Sulphur water. That fellow didn't know that was sulphur water." The well water had been declared safe for drinking.

Whether Bigart had ever heard of sulphur water is not known. Native Floridians describe sulphur water as a foul smelling, foul tasting water that you get from untreated wells. It is considered safe to drink.

In the slough, which he had helped clean, Mike had caught two mud cats that he was going to have for supper, if his boss ever got back from Zellwood, a muck farming community near Orlando.

Mike was anxious for the boss to get back. He was waiting to go back to Gulfport that night on the bus.

The boss was bringing Mike his pay so he could make the trip. Mike had been waiting for four days.

"My wife Dorothy called me Saturday and told me," Mike Saucier said. "I'm sorry to be so long, but they have a good funeral home in Gulfport. They're keeping the baby in the cooler. They're waiting the funeral until I get there."

Mike Saucier shrugged, dropped his catfish back in the water and returned to his painting.

At The Health Clinic in Immokalee, a federal-aided welfare facility, Mrs. Ruby Conrad—waiting for treatment—thrust herself into the controversy over whether migrants get all the help they need.

Angrily, Mrs. Conrad said, "If they're hungry, let them let it be known. If the county don't have it, go to the churches."

She had children with her and said she had lived seven years in Immokalee as a migrant. "I pay $20 a week for three rooms," she said.

She insisted there was no need for federal help.

Asked what would happen to her family if neither she nor her husband could get into the fields to work, she said: "Someone will take care of us. We won't have to go hungry. You reporters only tell the one side."

Agreeing with Mrs. Conrad is the man with all the power in Immokalee—Commissioner Moore. The place called Immokalee is unincorporated and whatever official guidance it gets comes from the County Commission.

There is a move afoot now to create a city. "They're figuring on the cigaret taxes helping them," Moore says, "I just don't give it much prospects as a city yet."

Moore thinks housing is the most critical problem in Immokalee. "People don't realize this was a sawmill town," he said.

"You come in here now and you look around and you say how terrible things are. Well . . . you should have seen it in the early 30s . . . then things were terrible, far far worse than they are now.

"Well," said Moore, "there's some that's not so fancy."

He has white hair with a flavor of gold in it and all his life in Immokalee he has been a farmer, or, as now, a public official.

"I come here permanently in '49 and it look like everybody followed me—and we overran this town. Housing was short then and its short now."

He said he knows what he's talking about when he says people have to help themselves: "When times was bad in the 30s I had a wife and two kids and a grocer carried me. He carried me two damn years."

Did he repay the grocer?

"Yessir. Every penny. Why, that man saved me and my family."

There is a half-mil tax in Collier County for welfare, and Commissioner Moore says "60 to 65 per cent of it is spent here. In Immokalee." The welfare budget last year was $131,500.

It is not spent on migrants. It is spent on the permanent residents who are poor.

"We cannot spend these taxpayers' money on these migrants," he said. "We are restricted by the laws of the State of Florida and we just don't have the right to do with taxpayers' money for migrants. We are solely responsible for the citizens of Collier County. The churches, this, that and the other help these migrants."

Moore said he almost had the board talked into adopting the commodity food program, a federal undertaking that gives needy people a monthly allowance of basic foods.

"Then come to find out it would take maybe $50,000 of county money to run this program, and we'd have to build a freezer and it was just dropped. If the federal people are gonna do it, okay."

The migrants themselves, Moore said, "are federal people. They's not Immokalee people, they're not Collier people, they're not Florida people. They're federal people."

There is a more pressing problem in having a free food program, Commissioner Moore said. "If there's free food, these people'll come early and stay late. We'll have them in town all year long."

As a farmer, he had other complaints about the migrants, whether black, Mexican or Anglo-Saxon.

"They don't give you a day's work. They get good money. A tractor driver gets $12 to $14 a day. That don't sound like no starvation wage to me." Field laborers get about $10 a day, except at peak harvest time when the wages go up—sometimes about double.

"But the farmer's got his land rent to pay (almost all farm land in Collier County is owned by the Collier Corp., the Tidewater Cypress Co. or Leeco Land Co. and it is leased to growers) his labor to pay, his fertilizer, his tractors.

"There's got to be something for these boys to survive. It's a little bit rough, brother. It's a little bit rough."

There is a federal program that is being watched with apprehension in some areas of Collier County. It is Self-Help Housing.

Under it, a loan for material and skilled labor is guaranteed by Farmers Home Loan and a family can, by providing its own unskilled labor, construct a home for $10,000 or $11,000 with no down payment.

As in early America's pioneer days, large groups of people band together and provide quick construction to a house at a time.

For the migrants taking part in the program, there is a danger. The family can find itself paying for two homes at once—$100 a month or so for rent and about $41 for the home they will own.

They're interested in preserving things the way they are in Immokalee see, another great force at work: What happens when a significant number of migrants own homes in Immokalee, and pay taxes?

What happens, say members of the South Florida Migrant Legal Services Program, Inc., is that they will be able to demand services of the county. In addition, if a city is incorporated at Immokalee, they will run it and elect its government.

Legal services is an unsettling force in both Collier and Lee counties. Full of young lawyers turned social reformers, it has met opposition that borders on paranoia. They are the only official agency that regularly plows into the migrant quarters. They bring small checks from another agency ($1 a person a day for a maximum of 14 days in cases of extreme and obvious need) and advise migrants of their legal rights.

Some of this advice has led to law suits against farmers and combines that never before experienced interference in their labor relations. Often these interests are heavy political contributors, sending men to Tallahassee and Washington, and they do not intend to be hurt.

Legal Services is under such heavy fire that its continued existence is in doubt. Its funds end April 30, but it can survive until July 1.

Legal Services people are making all the preparations for the Senate hearings that open at Immokalee's Health Center Monday.

William Dow is in charge of the Immokalee office of Legal Services. "There is a tremendous cleanup campaign going on in Immokalee now," he said, "just like when the governor came last year."

He added: "I wonder just how far they think a can of paint will go covering up this mess."

Albert Lee, president of the Community Civic Workers of Immokalee, and Ovidio Silva both work for Migrant Legal Services as investigators.

Much of their time is spent gathering data for cases but more is spent getting food for women without men or for those too sick to work.

"They say we don't have any problems in Immokalee" said Lee, outside a lean-to shack in which one mindless old man kept a death watch on a silent, even older man who kept his hands folded on his chest and muttered to the ceiling while lying on his rotting mattress.

"They say we don't have any problems here," Lee said as he looked at a brand new migrant housing project, still unpainted, that would include the same old cheap, warped lumber, the size of a motel room but in which famlies of five and 10 would live.

Lee came to a no-trespassing sign (under Florida law farmers can prohibit anyone, even a man's own lawyer, from seeing him in a migrant camp) and said: "They say we have no problems here."

Mrs. Feathers' main delight is to feed children at school.

She also has about $1,000 a year in charity funds collected by the Salvation Army, the local Methodist Church and her Immokalee Migrant Committee.

There is some resentment by Mrs. Feathers of the fact that local efforts have been ignored by those writing of migrant problems.

"We're as successful as we're allowed to be financially," she said. "But it's extremely tight. We've never failed to meet a need that we knew of—though maybe not adequately.

"The county commission has never given us any money," she said. "No they never." She agreed with the view that training is necessary before any grand program is begun for the migrants.

"They don't know how to save their money," she said, "and I know of people who have stayed home from work to get their commodities. I do not want to deter these people from making it on their own.

"I have made over 200 home visits every month," Mrs. Feathers said. "We try to get the poor—if they aren't migrants—on the state welfare. We never try for county welfare. They're too rigid."

Mrs. Feathers' great joy is the food program at school. "You should see them eat," she said. Elementary and pre-school children are indeed packed with food at Bethune or Highlands schools. At Bethune there is an unused cooler that friends of the migrants say the county could use if a food program was started.

"But what of the children who aren't old enough for school? What about food on the weekends? What about when they're too sick to come?" Mrs. Feathers spread her arms. "We never have enough to be free with our help," she said. "We have to be meager."

Next year, she is trying to get a food program for the middle school.

What happens, Commissioner Moore was asked, when a migrant gets too old to work. Would the county help him if he was forced to settle in Immokalee? What ever happens to a 70-year-old migrant?

"Why," Moore said, "I don't remember the question ever coming up."

[From the Fort Myers (Fla.) News-Press, Feb. 17, 1969]

SENATORS TO INVESTIGATE HUNGER IN MIGRANT COMMUNITIES

(By Homer Bigart)

> Editor's note: The New York Times, making a nationwide survey of reports of hunger in the United States, sent one of its top reporters, Homer Bigart, to look into the situation of the migrants at Immokalee. This is his account, as distributed nationally Sunday by the New York Times News Service.

IMMOKALEE.—Ten miles southwest of here, strung out like garbage along the edge of a cypress swamp, is Smith's Camp, a gathering place for some of the migrant farm workers who flock here in winter to pick the vegetable crops.

It consists of a dozen or more windowless plywood shacks, all without toilets or running water, all painted a dull green and all facing a dark slough choked with bottles and trash.

Some distance away there are three smaller shacks, two of them privies, the third a cold-water shower. None shows signs of recent use. Few migrants are hardy enough to take cold showers out of doors in the dead of winter, even in Florida, and the latrines are unspeakably filthy, seats and floors smeared with dried defecation. So the people use the woods.

A spigot planted in the ground provides water for the shacks. But the 20 or 30 migrants who live here say the water is foul smelling and foul tasting. The only apparent amenity is the naked electric light bulb hanging from the ceiling of each shack.

Such a place is Smith's Camp, its condition of poverty far removed from the showy affluence of nearby Gulf coast resorts and its people, during frequent periods of unemployment, vulnerable targets for hunger and disease. A Senate committee investigating hunger will be in the area March 10.

On a recent Saturday, a visitor found most of the camp's adult population assembled in the canteen. The migrants had just been paid, apparently, and several men and women were finding release from the surrounding squalor by getting themselves drunk.

One woman, still sober enough to talk, said that in good times she made as much as $60 for six days work in the fields, picking beans and peppers, but now work was slack because cold weather had retarded the crops.

"We've got to pay $10 a week for these huts," she said. "Last week the water was up so high we had to wade to the door. I never would've left Carolina, but they told us the rent was free."

A man who introduced himself as "Hobo Bob" reeled out of the canteen and proudly produced an old photo that showed him with a wine bottle in one hand and a pistol in the other, a cigarette dangling from lips creased in a grin. He said he was sending the photo to a cousin in South Carolina, to show the relative what a happy life migrants could lead.

"That's Hobo Bob," he laughed, patting the photo.

Smith's Camp is one of 60 or 70 accommodations for migrants around Immokalee. Other camps seem less appalling in physical appearance but hold a greater potential for human degradation and misery because they swarm with children.

Albert Lee, an energetic young Negro who heads the local antipoverty project, the Community Civic Workers, said it was a bad season for migrants, with heavy unemployment.

Immokalee, a town of 3,000 near the northern edge of the Everglades, normally has a mid-winter population of 12,000 migrants, he said, but now there were only about 10,000. Many who normally wintered in Immokalee had gone to Texas instead.

Immokalee is in Collier County. Many well-to-do retired people live in Naples, the county's biggest community.

In a black camp nearby Mrs. Pauline Milton and 10 children were crammed into a two-bedroom-and-kitchen hut.

"Me and two of the little ones sleep in this bed," said Mrs. Milton, "and there are two beds in the other room and one in the kitchen for the rest."

She had worked two days that week, earning $11.05 each day, and paying $2 a day for baby sitters.

"I couldn't afford to give them breakfast," she said surveying the hungry brood, "but we had boiled beans, rice and potatoes for lunch, and I'll give them the same for supper."

Mrs. Milton is one of a comparatively few migrants eligible for county welfare, for she has lived in Immokalee for seven years. She said she had applied, but had been told that her application would take 30 to 45 days to process.

Of all the ethnic groups, the Mexican-Americans probably suffered most during times of hunger, Dow said.

"Mexicans are proud," he explained, "and feel they are violating cultural mores if they ask for help."

Foster said that the Florida State Board of Health had denied the existence of widespread malnutrition in Collier County.

"People are hungry, no one can quibble about that," he insisted, "and there is a tremendously high incidence of parasitic infection."

Last March, the state health board issued a report saying that a team of doctors had "closely observed" some migrant children at play or in schools and clinics and that "none had gross signs of malnutrition."

The report said that pellagra, a severe dietary deficiency disease, had been noted but only in "known chronic alcoholics."

In reply, friends of the migrants released next day the results of clinical examinations of 34 migrant farm children of Immokalee by the Variety Children's Hospital of Miami.

The samplings uncovered 38 clinical diseases in the 23 children, ranging from pneumonia to worms.

The hospital's executive director, Gerald W. Frawley, described the findings as "rather incredible, a most extraordinary morbidity rate" and concluded: "The migrant population must be about the most underprivileged in the nation, at least in terms of medical attention."

In a few weeks Collier County will feel the spotlight of national publicity. The Senate Select Committee on Nutrition and Human Needs is making this county its first stop on a tour of suspected hunger areas.

The committee is seeking information on the failure of the federal food programs to reach millions of poor Americans.

[From the St. Petersburg Times, Dec. 1, 1968]

17 OF FLORIDA'S COUNTIES HOLDING OUT FOR HUNGER

(By Bette Orsini, of the Times staff)

Hunger is a guest at the table for the victims of poverty in 26 states—including 17 counties in Florida.

In the homes of these poor, the setting could be more festive—not only on holidays but throughout the year—with federal food benefits available for the asking.

But the waiting foodstuffs never get to the target tables.

Why do the holdout counties, which refuse to participate in federal commodity food distribution programs, elect to turn their backs on thousands of dollars worth of foods available to their hungry?

In Florida, Citrus County officials say: "The people aren't starving."

"We just don't figure we have enough hungry people," Charlotte County officials assert.

Say Orange County officials: "How would you like it if we gave a child a free lunch and then found his father out drinking in a bar?"

The attitudes that keep free commodity foods and other federal food benefits from the mouths of the hungry in some sections of the country and not others run the gamut from pride to prejudice. with a lot of stops between.

But through them runs a pattern.

At least. there's one discernible to staff attorney Gabe Kaimowitz of Columbia University's Center on Social Welfare Policy and Law, which has filed suit in federal district courts in 26 states to force the U.S. Department of Agriculture to start food programs in counties which have none.

At New York. Kaimowitz says the pattern among the holdout counties usually involves one or more of these elements:

Fear and intimidation—"It's true in several southern states in which we are suing, particularly in Louisiana and Texas."

Says Kaimowitz: "They don't want the federal government involved in their local community affairs, the fear being that if food had to come in, the federal government would be intimately involved in local county matters."

Poor persons living in rich counties—"Some counties want to pride themselves on the fact that no hunger exists."

In such counties, says Kaimowitz, "the poor have no access except through litigation to force the county to accept one program or another.

"This is true in Michigan, Massachusetts and Kansas, in which the county governments do not want to admit that they have significant numbers of poor persons."

Philosophy of conservatism—"It's a feeling by the counties that they don't need the federal government coming in to help out their people; they can take care of their own."

"The state of Idaho on almost a statewide basis has refused to request that the program be brought into its counties," says Kaimowitz.

In Florida, the philosophy of conservatism "definitely applies," Kaimowitz says.

"The attitude has been, What do we need with the federal government telling us who's hungry and who's poor?"

Some Florida counties also suffer from the too-rich-to-have-any-poor complex, Kaimowitz reports.

The center attorney ranks the rich-county poor people as the "freshest angle going." "We didn't even realize a thing like this was possible until the plaintiffs we had flown into Washington came there and we got a chance to talk to them personally.

"We found a pattern of persons from wealthy counties who were saying they had gone time and time again to the welfare department or school system asking for access to the foods and were told it's degrading to go on a line to get surplus commodities.

"There's some kind of moral stigma attached."

But the contentions of rich counties that they have no poor to whom they should give access to commodity foods are contrasted by Kaimowitz in the suits. They present statistics "on the number of persons in a given county who are below the poverty line, the number receiving public assistance—which is usually significantly less—the number of post-natal deaths between one and 11 months" and other tell-tale figures.

On some matters fear is even more widespread among the states, says Kaimowitz.

[From the St. Petersburg Times, Dec. 2, 1968]

NO STOMACH FOR FEDERAL FOOD TIES

(By Bette Orsini, of the Times staff)

Apathy, cost fears, and just plain "anti-federal-intervention" stubbornness are pieces to the puzzling answer of why 17 Florida counties block their poor from access to free federal commodity foods.

Privately, some county commissioners say flatly they don't want to be bothered with "this federal dictation." They have a strong aversion to what they call "the federal government coming in."

Publicly, the reasons run by pattern, too.

Most of the counties give financial explanations for failing to gear their communities to participate in a commodity food distribution program estimated to provide more than $10 in food for the poor for every $1 of county money invested.

The holdout counties:

Contend they'd have to build expensive warehouses and hire large staffs of personnel.

Say they're already meeting food needs with county welfare and don't have hungry residents not being served.

But most counties which have started commodity food distribution have done it without building warehouses; they rent them. And most of the holdout counties are small in population and wouldn't require large commodity staffs, state welfare officials say.

Further, the county welfare setup, especially in small rural counties, often is only a one-man operation, with the occupant wearing a number of other hats as well, according to state welfare leaders.

To the holdout counties who claim they have no hungry residents in need of food, the State Welfare Department's E. Lee McCubbin, director of commodity distribution, responds:

"There's not a county in the state in which we don't have public assistance recipients in one of the four categories of services who are eligible for this type of added help."

The impetus that brings some Florida counties into the commodity food distribution program is pressure brought by local anti-poverty community action groups. Hernando County has agreed to start a program. McCubbin reports Clay, Manatee and Seminole counties soon may come in. Florida counties being sued to get in are Brevard, Charlotte, Citrus, Collier, Flagler, Indian River, Marion, Martin, Nassau, Okaloosa, Orange, Osceola, Putnam, St. Johns, Sarasota and Volusia. Federal officials say Okaloosa and Volusia along with Hernando have made arrangements to join the program.

Dade in 1961 was the first county to participate. Pinellas came into the program in 1964 after a year of spadework during which McCubbin met with two successive county welfare directors.

The long preamble to participation was spent "just getting the interest going and the county commissioners aware enought of it to make the decision that they wanted to go in," said McCubbin.

There still is no provision for food stamps in Florida, but McCubbin says the state's plan has been approved tentatively in Washington and will be submitted to the state budget director and Cabinet for approval.

"But there's no money at the state level, so our plan says any county that wants the program has to be able to finance whatever isn't covered by federal reimbursement just as they're doing in the food distribution programs," says, McCubbin.

Financing the cost of local operations has been the stumbling block with most Florida counties holding out against commodity foods, according to McCubbin.

The holdout counties persist in their positions. In Charlotte County:

"You can give away anything, but we don't need commodity foods. Our county welfare director recommends the ones she feels are entitled to special help and we help them."

"We have a little welfare in this county. If we have someone who is in need, the county will issue a grocery order and let them go to the store and buy what they need. Not on a permanent basis, you understand. Just till their situation gets straightened out."

"We never felt there was enough demand for food to justify the cost of administering the program."

[From the Fort Myers (Fla.) News-Press, Nov. 21, 1968]

FOOD FOR POOR ASKED IN SUIT

ORLANDO.—Twenty Florida counties which do not participate in U.S. food programs for poor people could be forced to do so under a suit filed in U.S. District Court here. Among them are Charlotte and Collier.

"We find no basis in federal law for counties to have any opinion in this regard," said William Rowland, Orlando attorney who is handling the case.

The suit is identical to actions filed in 25 other states by the Center on Social Welfare Policy and Law based at Columbia University. It was established with a grant from the U.S. Office of Economic Opportunity.

The U.S. Department of Agriculture, which handles the food programs, has approved plans in the 26 states in which counties are given an option on whether to participate.

The suits, directed against the USDA, contend that depriving poor people of food because of their place of residence violates the equal protection clause of the U.S. Constitution.

In some counties, Rowland said, "where there have been strong political moves to the right," all federal programs are suspect, "even one such as this where there is a minimal contribution by the counties."

"This is not a matching type of program," Rowland added. "It doesn't cost the counties anything but a small amount for administration to coordinate with the state effort."

The Orlando suit seeks to enjoin the USDA from further participation in plans where "there is discrimination in counties," Rowland added, and also asks judgment on whether the state has the right to allow the counties to be excluded.

"The court conceivably could rule that the counties must participate," Rowland said.

[From the Fort Myers (Fla.) News-Press, July 19, 1968]

COLLIER BOARD CONSIDERS U.S. FOOD GIVEAWAY

NAPLES.—It will cost Collier County about $45,000 a year to administer a federal food giveaway program here, according to Lee McCubbins, state director of commodity distribution.

McCubbins told county commissioners Thursday he estimated that 4,200 persons from low income needy families in the county would require 151,000 pounds of food per month with a wholesale market value of over $400,000 per year.

"In Collier County," McCubbins said, "you have two extremes. Some 22 per cent of your households have a net income of less than $2,500, while 14 per cent have more than $10,000."

Much of the economy of the county depends on the migratory labor force, McCubbins pointed out. "I am sure that the South Florida Migrant Legal Services will put pressure to bear to get this program going. Their attorney, Michael Foster, has sent a letter to various government officials asking for the food distribution program for this county."

The state director said the SFMLS quoted figures of 12,000 to 19,000 farm workers and their dependents as being in the Immokalee area in the peak of the season.

INCOME LIMIT

To participate in the food program a family of two can make no more than $130 a month, a family of three, $155.

McCubbins told the commission the program to feed an estimated 4,200 people would require a 4,200 square foot warehouse with 274 cubic feet of refrigerated space. Personnel to administer the program would include a commodity supervisor, two certification workers, a clerk typist, a field worker and three warehousemen.

Commissioners said they would think the matter over but expressed concern that farm laborers would quit work when necessary to qualify them for the free food. They said there were only a few times during the year when migrants needed assistance and yet if the county decided to have the food distribution program they would be saddled with it all year.

APPENDIX C–5

HEALTH AND EDUCATION—NEWSPAPER CLIPPINGS

[From the Fort Myers (Fla.) News-Press, Nov. 21, 1968]

SUPPORT DUE FOR MIGRANT CLINICS IN LEE, COLLIER

A review being made of migrant clinics in Lee and Collier counties will mean changes, probably for more support, Miss Helen Johnston, chief of the U.S. Public Health Service's migrant program, said Wednesday night.

Miss Johnston and other officials from Washington and Jacksonville, along with a member of the national review committee, will end a four-day tour of migrant health clinics today with visits in the Hendry-Highlands-Glades Counties project.

"We are finding a great deal of evidence of need for this kind of service," said Miss Johnston after looks at clinics in Lee and Collier counties. "We also are finding a lot of dedicated people."

Dr. Leopold Snyder of Fresno, Calif., a private physician and member of the "External Projects Review Committee" which sets policies for the migrant program, agreed with Miss Johnston.

"I think you have a tremendous reservoir of need for health services," he said during the visit to the Teeter Road Camp in Lee County.

"You have people who recognize it," he said. "But the ones trying to meet the needs need the support of the rest of the community and the political leaders."

Miss Johnston said the program will have to be expanded to do more in Collier County. But the growth will have to be done within the county, with the county acquiring the people, she said.

"You can only stretch a shoestring so far," she said, commenting on the resources.

The Public Health Service cooperates financially with local sponsors of the migrant health programs. Most often the health departments are the sponsors. But some counties don't have health departments, Miss Johnston said. Medical societies, hospitals and migrant programs also are sponsors.

In the tour with Dr. Snyder and Miss Johnston are Dr. A. F. Caraway and W. J. Clarke of the State Board of Health in Jacksonville, Dr. Spencer Larsen of the Washington office and Bob Martens of the regional office in Atlanta.

The tour started Sunday with the health department offices in Jacksonville. The team Tuesday night visited the Harlem Heights clinic, went to Immokalee Wednesday and came back to see the Teeter Road Camp setup Wednesday night.

[From the Fort Myers (Fla.) News-Press, May 23, 1969]

Federal Grant for "Bilingual" Education Won

Naples.—Collier county schools have won a "bilingual education" federal grant, Rep. Paul Rogers reported Thursday.

K. C. Pittman, federal programs coordinator for Collier schools, said the grant will provide educational assistance "for students of limited English or no English speaking ability."

Pittman said the initial grant "for this school year is $55,000, but should amount to $250,000 within three years and could reach a total $370,000.

"Collier was the smallest county, in population, to be considered for this challenging program," Pittman said.

Supt. John A. Murphy reported several weeks ago that assistance was being sought for the bilingual education program.

"In April," he said, "we were told we were one of 78 systems selected in competition with 312 other applicants to submit a formal proposal for further culling."

Collier's grant will be funded from a total of $6 million appropirated nationwide for the projects.

"The challenge of making adequate educational provision for limited and non-English speaking children demands an informed and understanding attitude toward language and cultural differences," Murphy said.

"It also demands a readiness to accept the challenge of meeting their educational needs. Much commendable effort has been directed toward this need by our teachers, but we need all the help we can enlist," Murphy said.

[From the Fort Myers (Fla.) News-Press, May 8, 1969]

"Test Tube" Villages in Lee County Pushing Ahead With Day Care Centers

(By Eddie Pertuit)

Harlem Heights' Wee Care Day Care Center is getting promises of continuing operation support, the result of a season of operation on a shoestring and a hope.

Now effort is beginning to shift toward Charleston Park, another "test tube" community east of Alva and many miles from the metropolitan area Harlem Heights borders.

Actually neither community is a vitally important farm labor center. Lee County's greatest pool of migratory and farm laborers is the Dunbar Heights area near Downtown Fort Myers.

But the attention has been on the outlying villages because there the effects of programs can be measured. Individual endeavor is not lost in the sheer volume of need.

Dare care centers, or kindergartens, are needs often supported by the customers in normal communities and are operated as private businesses. But the farm and domestic labor communities do not have the private resources to sustain enough centers as private businesses.

CHILDREN IN NEED

A survey a few years ago, made in depth, showed thousands of Lee County children in need of the formal care and training a full-fledged day care center offers. These included children of all races.

The Lee County Day Care Advisory Board was unable to get a nonprofit public center going, until the spark arose in Harlem Heights.

A group of interested Harlem Heights citizens decided the only way it was going to be done was for them to do it themselves, and ask for outside help when they could point to their own labors.

The center site was prepared within the Harlem Heights Migrant Mission Church, with the aid of Kiwanians and other volunteers who added a room to the building and fenced in an area for the required play space.

The Charleston Park group is getting ready to start construction of a center, starting from scratch. A site has been obtained through Self-Help Housing and the community's day care board has raised some $1,200 toward the building.

RESIDENTS IN CONTROL

Both centers are under the direction and control of residents of the area they serve. Mrs. Christine Allen is executive operator of the center in Harlem Heights and Mrs. John Allen is one of the board members who helps coordinate volunteer activities. She has a phone and there is one at the center.

Mrs. Mizell Russ is chairman of the Charleston Park board. She and the board have been working with John and Mary Wyttenbach, Volunteers in Service to America (VISTA) assigned to Self-Help Housing. VISTA workers in Harlem Heights are Fred and Dinah Bennett.

DAY BY DAY

The Wee Care Center has been operating day by day this year. The families are charged $1 for the first child and 50 cents for each additional child. Attendance has ranged from 22 to 32, far less than the 40 the planning indicated would and could use the center.

(Federal aid in the form of a grant was refused last summer because the local board could not charge if the money was accepted. Board members, without exception, expressed the feeling that the center could never become independent if it started with federal dependence.)

Volunteer services have been increasing, particularly during the last few months and more people discovered the center.

"People are so awfully generous," said Mrs. Allen, "Wee Care Do You? has been just wonderful. It's been the shoulder we've had to lean on."

"Wee Care Do You? is a new organization of Fort Myers Beach residents who discovered the needs of their domestic workers for a day care center, and that the center is in existence with need of their help.

The organization, being incorporated through Kjell Pedersen, is seeking pledges of scholarships for next season. The scholarships are to supplement but will not replace the charges to parents, except in the rare case where they cannot afford the fee.

The next few weeks will see the number of volunteer workers drop because the winter residents who were volunteering are departing for the North.

"The volunteers have been beautiful," said Mrs. Allen. "They've spent loads of time helping with the children and in the kitchen." The work is demanding, because the center opens early. All the children are there and settled by 8 a.m., requiring the workers, paid and volunteer, to be up and moving by 6 a.m.

In addition to the volunteers who work in the center there are volunteers who make things and those who buy things for the center. This, too, can be a challenge.

"Nobody makes wheeled toys that will stand up to it," said Bennett. "That's partially because we have at times 10 children trying to use the same tricycle."

But the playground equipment available through retail outlets isn't sturdy enough, apparently.

"We need good, sturdy playground equipment," said Bennett.

The Church Women United have been busy all along, one of the major groups involved. Mrs. Wayne Bishop, migrant chairman for the group, said the organization now is dividing the assets to move a share toward Charleston Park. Mrs. Elton Shoup is clothing room chairman for the women.

The group receives clothing, household items and other materials for resale. Until recently they were cleared through the migrant mission at the Heights almost entirely. Some of the materials and sales returns were shunted to the Heights center.

"Since the Charleston Park center is now chartered, is now organized and has a treasurer, the Lee County Migrant Mission Board has voted to allow us to give them things. They can do as they wish with it and keep the money," said Mrs. Bishop.

All the materials from Lehigh Acres go to Charleston Park.

COVERLETS MADE

The church women made coverlets for the Harlem Heights center to use, but didn't stop manufacturing. They will be ready for Charleston Park, Mrs. Bishop said.

The Charleston Park clothing sales go on steadily. A sand-floored shack erected for the purpose is kept open as much as possible by the center's backers to sell needed clothing to the farm workers.

The VISTA workers were offered a concrete floor for the shack but asked the Lehigh Acres volunteers to save the effort for the day care center.

There is a morning kindergarten for the preschool children, the ones who will enter next year, in Charleston Park. Mr. and Mrs. Henry Millen have been operating the kindergarten for three years in a simple church and community building. The building is unsuited for operation of a full day care center.

The Heights center has an application in and approved by the Lee County School Board to enter a special food supplement program offered by the federal government for such centers next fall. The program will provide up to 55 cents per day per child for foods, based on two meals and a snack service at the center each day.

The present center has a fine kitchen and dining area with a paid staff. The cook's salary has been increased to the federal minimum wage as required to qualify for the program. (Which makes the cook a higher paid employee than the center's director, but the women have put in so much time without pay during the past year they haven't appeared upset by the development).

[From the Fort Myers (Fla.) News-Press, Apr. 23, 1969]

Fort Myers Beach Residents Supporting Day Care Center

(By Eddie Pertuit)

A growing group of Fort Myers Beach residents are discovering their own antipoverty project. Initial response has the backers of the Harlem Heights Wee Care Day Care Center jubilant.

Mrs. Christine Allen, center director, and Deura Mae Everett, a board member and Self Help Housing representative, met Tuesday with a luncheon gathering of nearly 90 Beach residents. They and Heights residents and workers answered questions on what the center has and what it is doing.

The center has operated for the first time this year, the only "public" day care center in Lee County, but the operation has been a struggle. This spring a Beach winter resident, Carol Crotty, discovered that few people in the community were aware of the need in the Heights, even though most of the domestic workers at the Beach live in the Heights area.

During the first week in April she started talking to others, who immediately took up the project. Dr. John Williams, pastor of the Chapel-by-the-Sea, Beach Presbyterian Church, has become a leader in the unorganized movement calling itself "Wee Care, Do You?"

A tiny goal was set to ascertain interest with the deadline to be the luncheon Tuesday. The group aimed at five "scholarships," or donation of $200 each to pay fees for children at the center. By luncheon time seven scholarships were reported, plus some donations for other purposes (such as materials for shelving).

The center has been operating with an average attendance of about 23 children. Peak attendance has been about 32 in one day. Parents have been required to pay $1 daily for the first child in a family and 50 cents for each additional child.

The center is designed for more than 40 children and the operators hope to have that many by the middle of next year as Heights residents become aware of the service and the advantage of it. It is educational as well as caretaker in operation.

But the income has been between $75 and $100 a week, while outgo has been at least $165 per week. The difference has been made up by the operators of the center who spent long hours at the center during the week then promoted fund raising activities, mostly in the Heights, on the weekends. (Mrs. Everett even carried peanuts in her car, for sale at 10 cents a bag with proceeds going to the center.)

The support fund, which Mrs. Crotty maintains "should be closer to four or five thousand dollars," is a goal of the Beach group, and of some other groups in other parts of the county beginning to find projects in the Heights and in Charleston Park, an isolated farm worker community in the eastern end of Lee County.

A second goal of the group is to spread awareness of the Heights as a community on which the Beach depends for domestic and yard help and for laborers.

This phase includes promoting a direct personal interest in the people of the Heights, particularly the influence the men can have in helping the youths in games and projects.

A third phase of the effort will be to set future plans for the day care center and for involvement from the Beach.

Those becoming involved so far include every church on booming Estero Island, and most of the businessmen. Ralph Dandridge of the Beach National Bank was a participant in Tuesday's luncheon, as was Glen Longworth, chairman of the boys and girls committee of the Beach Kiwanis Club.

The American Association of Retired Persons (AARP) Chapter at the Beach has indicated it may seek to involve the Lee County Council of AARP to some degree but no chapter decision has been announced.

Serving as liaison for these groups are Fred and Dinah Bennett, VISTA workers in the Harlem Heights area.

[From the Fort Myers (Fla.) News-Press, June 17, 1969]

He's Pumping Gasoline for Wee Care

(By Eddie Pertuit)

Each Saturday Ed Kane sets aside the profit from gasoline sales at his Atlantic service station on Cleveland Avenue at Hansen Street. Once a month he sends the money to the Heights Wee Care Center, a nonprofit day care center in Harlem Heights.

He's hoping to start something. Maybe the death of trading stamps. Maybe a sales "gimmick" with plenty of community spirit in it. Maybe just some good kids off on a beneficial education.

May was the first month for the project, but it will continue indefinitely, Kane said. It netted about $85 for the center.

"The net proceeds on gas isn't much," said Kane. But the money will pay tuition for one kid for 85 days. It will fill supply shelves with quite a bit of material.

It beats savings stamps by far, in Kane's opinion.

ROT UNDER SEATS

"If you took one half the cost of the stamps for a year you'd be surprised at the money you would have," he said. Quoting from memory, he said a group of Shell stations quit a stamp program because in 10 months they had spent some $25,000 on it. "That's a lot of money just thrown out," he said, with most of the stamps ratted away in glove compartments and under seats.

Philanthropy to causes is not new to Kane. He has been letting various school organizations prey on his washrack for a year and a half.

"It's mainly to help the kids out," he said. "They have to have some means to make money for their different projects. We foot the expenses as to water, electricity. Sometimes they block up the driveway, but so what?"

Kane, a resident of the Villas, got into the Wee Care project through his wife's Brownie Scout troop. The troop made a trip to the day care center and saw the need for equipment, especially heavy duty playground equipment suitable for three to six year olds.

She told Kane, and they did some collecting. But the money idea came later.

Kane is hoping it will spread. There are other projects which could use money regularly, he said, citing the Lee County Children's Home in Page Park.

"Not many people even know it's there," he said. "They could use a lot of help."

"I thought maybe other places would pick it up and make a regular thing of it," said Kane of the project. "Just a little bit from each one of us would do a lot."

It's keeping the money here in Lee County, too, he pointed out. Organized promotions generally send it out of the area or even the state.

"The service station operator pays for the stamps to benefit the oil company, and he can't pass it on to the customer because the pump prices are fixed," he said. When 80 percent of the stamps later are swept out of cars into the trash by service station cleanup men, the operator discovers who keeps the money," he said.

[From the Fort Myers (Fla.) News-Press, May 20, 1969]

LEVI CHOICE WANTS WORK BUT CAN'T AFFORD TO BUY GLASSES

(By Eddie Pertuit)

Levi Choice wants to work.

But he is 62, has bad eyesight and is a Negro migrant worker

Choice has tried to get glasses, and several agencies have made some effort to help. He has, in fact, glasses that were obtained for him in New York.

But he has been told by some eye doctors that he needs special tinted glasses they can't issue for just welfare allowance, and by others that glasses won't help. He paid the Waterville, N.Y. optometrist "four or five dollars" out of his own pocket to get the glasses he has, in addition to the welfare allowance, and that was after the doctor cut the cost greatly, he said.

Choice doesn't want to go into a home. He is a bachelor, a Florida resident following the migrant stream since the 1940s. Prior to that he held various jobs, logging and driving among them.

He said he has been to the Florida Council of the Blind.

"They can't do nothing but put me in a home," he said. "I don't think I should. There's so much other work I could do.

"If it's something I can lift, I can work as good as any back," he said.

Choice, with a strong pride about such things, tried to hide his eye trouble for years. He would work in the fields anyway, pretending he was just missing the cucumbers or picking the wrong peppers, because of ineptness.

"I have been fired four or five times," he said. "But I wouldn't let on I couldn't see. I let them think I was leaving the cukes." With his left eye he can read headlines, but not even large print. He has quit driving.

Now his condition is known, but the crew leaders try to help him. He is likeable and doesn't drink, so he has many friends among the crews and crewchiefs.

"The contractors know I'm strong," he said, "and they lets me lug." To "lug" is to carry the heavy boxes of vegetables to the trucks or stacking points, and to carry other items of need in the fields.

But work has faded with the onset of summer and the crew with which Choice has been staying is moving north to the South Carolina vegetable fields.

"They ain't too much particular about me going with them," he said, and he supports their thoughts. A crew can't use a blind man much on the road and Choice prefers not to be a burden.

Choice applied for his Social Security benefits, but discovered that all the money deducted from his pay since back in the 1940's didn't get to the Social Security office.

"I've been working for a lot of different contractors," he said, "The money was taken out, but nothing was sent in." He even tried claiming he had no Social Security number, but the contractor (field crew chief) took out a deduction anyway, he said.

"How could they send it in without a number?" he said. "They been getting tight about it the last two or three years and they have to send it in. But they not tight enough.

"What about all those years past? For the past 50 years I've been going up and down the road, and I ain't got a penny in Washington!"

Now the money is going in, but more work is necessary to make him eligible, he said. He applied for Florida disability, but was told he didn't qualify for that, either.

"Yet, I tries to work," he said.

Choice also has been without teeth for the past several years, but nobody, it appears, has a program to provide teeth.

"If I could get a job I could save up for a while and buy them," he said.

"I'd even buy them on time, if somebody sold them that way. It would be a tight squeeze, but I wants them more than I wants glasses.

"When a man eats without teeth the food will dribble out of his mouth. It turns another man's stomach to see it, and I know it. It would mine. I hides my face, when I have to eat with other folks."

Choice was on his way Sunday to South Carolina where an appointment has been arranged with a clinic. The appointment is in early June, but Choice was to meet a migrant group at Belle Glade and accompanied them north.

The clinic will provide the teeth for $40. Local prices proved so high that even transportation didn't offset the difference. VISTA workers Fred and Dinah Bennett made the financial arrangements for Choice and the teeth.

[From the Miami Herald, June 25, 1969]

HEALTH CLINIC FOR IMMOKALEE CALLED COLLIER FIRST PRIORITY

(By Barry Petersen, Herald Staff Writer)

EAST NAPLES.—An expanded Immokalee health clinic was cited as a top priority need of the Collier County Health Department Tuesday morning by Dr. Charles Bradley, county health department director.

Bradley speaking at a briefing session of the Coastal Area Planning Commission, said the clinic's expansion was needed because of current demands and hinted that a proposal to have University of Miami school of medicine residents working in health clinics also contributed to the need for more room.

"We need about double the room we now have," Bradley said after the meeting.

Bradley also criticized migrant housing in Collier County during the meeting, saying many of the existing problems of housing are so bad "that the only cure is a great big yellow bulldozer."

The Immokalee clinic, built in 1958, is one of three health care clinics operated by the county's health department. A converted jail is used in Immokalee and in Naples the department's administrative office doubles as a clinic.

Bradley said following the meeting that the need for more space was necessary in Immokalee whether or not the proposed University of Miami project does become a reality.

The Miami proposal would involve using Miami medical students in Collier County's clinics who have completed their school and intern training but were seeking more experience.

Bradley met with officials from the federal Community Health Service in Atlanta and representatives from the University of Miami last Wednesday at the Immokalee clinic where he talked for more than an hour with them regarding migrant health projects. The men later toured the Immokalee area to see migrant work camps.

If the proposal does become a reality it would be funded with a federal grant.

Bradley has been handling the three clinics by himself since he came here in March, 1968, but Dr. Leonidas Elbernoz, who formerly worked with Dade County, started work in the Immokalee clinic on a full time basis today. Drs. Elbernos and Bradley will be meeting with Miami officials again in Immokalee for another round of discussions.

Bradley said in an interview that the Immokalee clinic has only one treatment room, divided by curtains into three sections for examining patients.

"There is no privacy," he said. Overcrowding during the season when migrants are in Collier County, primarily from December to March, is another problem, he said. The migrant population is estimated to be as high as 22,000 during the peak of the season.

"The whole place is too small," he said. "We're crawling over each other's backs during the season because the waiting room and clinic are so jammed."

And, Bradley added, the migrant population is growing from year to year in the county even as awareness to the problem by county officials is becoming more apparent.

Members of the Planning Commission, however, were less than enthusiastic about the doctor's report. One of the commissioners asked the doctor if he was becoming carried away with his humanitarianism.

"It's a necessity of my work," Bradley answered. "You see families all bunched up and you know that if one gets a disease it won't be long before others get the disease."

"It scares me," Bradley said, "to see all of the people in Everglades and I can get there one lousy day a week."

Bradley said at a later point in the meeting that some of the people in the Everglades, who have no local doctor, "save up their illnesses for my visit."

He said earlier in the meeting that migrant health was tied to migrant housing conditions, some of which were very bad.

"Some housing we can keep good by constant prodding, but other housing areas will never meet state health requirements," he said.

"People have to have a place to live," he said, "and the federal government won't help so private money will have to do it."

Bradley said low cost housing, well maintained and supervised, would "run borderline housing out of business."

Commissioner David Jones, returning to the point later in the hour long meeting remarked that Bradley had the housing problem "confused."

"Everyone is worried about the welfare of the migrant when it's no more our problem than the problem of New York where they live at the end of the season.

"The migrant's a nomad, he won't be tied to Immokalee or anywhere else," Jones said. "Sometimes I wonder if we don't get carried away trying to help someone who doesn't want to help himself."

Bradley replied that the community also had to "protect itself."

"Their kids go into schools and have contact with other children," he said. "We have to provide the proper sanitary conditions and more."

[From the Miami Herald, June 18, 1969]

U.S. MAY FUND HEALTH PROJECT

DR. BRADLEY GIVES NOD TO IDEA

(By Barry Petersen, Herald Staff Writer)

EAST NAPLES.—Resident doctors from the University of Miami Medical School would be welcome in Collier County, Dr. Charles Bradley indicated Tuesday to the Collier County Commission.

Dr. Bradley, Collier County's health director, told the commission he has held informal discussions with officials at the Miami school concerning their possible interest in doing work in Collier County's welfare clinics, and will again discuss the matter with them.

"They've just expressed the possibility of doing this," Bradley said, adding, "all I can add is how I feel about this."

Bradley is for the proposal, saying it would greatly relieve his duties in the three county welfare clinics, located in Naples, Everglades and Immokalee, and increase the quality of medical service to migrant workers.

"I've been running the clinics alone and I'm about out of gas," he said. "The migrant workers are the most indigent. This is the area that really lacks health care."

During the time of the year when the migrant population is heaviest, from December to March, estimates run as high as 22,000 for the migrant population in Collier County.

Bradley spends two days a week in the Immokalee clinic, a day in the Naples clinic, and two afternoons a week in the Everglades clinic.

"I handle a variable number of cases a day," he said. "I could see patients 24 hours a day if I stayed 24 hours."

Bradley said he did not know at this time how many doctors might come to the county for residence training.

Residency follows a medical student's internship. A resident doctor is licensed to practice medicine but is seeking further training.

Bradley called his one-man efforts at present "stop-gap medicine.

"During the migrant season I see so many patients that I can't do a thorough job of medical practice," he said. "They deserve a better brand of medicine than this."

With aid from the Miami school, Bradley said the county could strive for "medical excellence."

The cost of the doctors will have to be assumed by the Miami school, Bradley said, because the county can't fund them.

"It's part of their curriculum," he said. "As far as I know there's no place for an expenditure to come from a local source."

"They learn and we get," he said.

TEAM WILL EYE NEEDS IN COUNTY

(By Al Pagel, Herald medical writer)

Improved medical care may be in store for South Florida's migrant workers.

Tentative plans call for providing the workers health care through the University of Miami School of Medicine. A Public Health Service grant would finance the project.

Dr. Lynn P. Carmichael, director of the school's Family Physician program, said a federal team from Atlanta would tour Collier County today to investigate the feasibility of such a program.

A later evaluation would be made by a group from Washington, he said.

"Our information at present is so scant that we haven't even developed a plan," added the UM professor.

He said the first mention of the migrant program came last Friday in Washington.

"Public Health Service officials asked me if we would be interested in it and I said, 'yes.' "

Migrant medical care in Collier County had been critically questioned by a Senate committee investigation of hunger and malnutrition in the area this winter.

PHS funds help finance the UM's Family Physician program, which furnishes doctors for health centers in Brownsville and Liberty City.

If the medical school becomes involved in migrant health, said Dr. Carmichael, the program will be directed by Dr. Leon E. Krueger, a member of the Family Physician team and an associate professor of pediatrics.

[From the Miami Herald, July 16, 1969]

MIGRANT HOSPITAL AID GONE

(By Tom Morgan, Naples bureau chief)

EAST NAPLES.—The mounting costs of migrant hospital aid in Collier County apparently will have to be met without federal help, the County Commission was told on Tuesday.

Dr. Charles Bradley, county health director, said his department spent all this year's $41,000 in federal medical aid money by June 30 and has asked for $82,000 next year but has no assurances it will be given.

"Jacksonville offices of the State Health Department say they have no money right now," Dr. Bradley said. "We are sending the bills right on so if they do have money available they can pay off."

"Hospital migrant funds are out for the rest of the year," confirmed William G. Crone, Naples Community Hospital administrator.

Crone showed figures for the first five months of the year that indicated charges of $97,116 for 234 cases and 2,221 days of care were met only to the extent of $66,740 by various forms of welfare payments.

"We have been taken to task for not taking care of the migrants," Chairman Les Whitaker said. "We want to put the spotlight on Washington for not supplying the funds."

To help meet the problem for both Naples Community Hospital and Lee Memorial Hospital in Fort Myers, the commission approved NCH sending emergency cases to Fort Myers without waiting for commission approval.

"We don't want somebody to die while we are getting a motion passed," Vice Chairman A. C. Hancock said.

The agreement to support the hospital actions is an informal one, based on good faith alone, because the County Commission cannot delegate its powers to another body.

Mrs. Hazel Griffin, county welfare director, explained part of the increasing problem when she said recent court decisions mean "there's no such thing as a non-resident now." Hancock added, "the migrants are indigents now."

Previously the county had held up on some migrant welfare aid because state laws, limited it to residents. County Health Department clinics, however, served the migrants, and the Immokalee Clinic was established for that purpose.

[From the Miami Herald, June 4, 1969]

U.S.-Paid Doctor for Migrants Set

BRADLEY WARNS OF OPPOSITION

(By Tom Morgan, Naples Bureau Chief)

East Naples.—The Immokalee area will get a federally financed full-time doctor to work with migrant labor if community resistance doesn't drive him away.

Dr. Charles Bradley, Collier County health director, told the County Commission on Tuesday that Dr. Leonidas Elbernoz, "who has been working with migrants in Dade County since the program started," is willing to take the Immokalee job. The area now has only one private doctor and two-day weekly visits by Bradley to meet migrant problems.

Dr. Bradley said the new doctor is a native of Colombia, S.A., with five years of medical training in the United States including post graduate work at Harvard University. Dr. Elbernoz speaks Spanish and is licensed by examination to practice in Florida.

"He can do a very good job," Dr. Bradley said, "but how long he will stay if he meets with resistance I don't know."

There had been some criticism in Immokalee's weekly newspaper against the addition of a physician through the federal program, which was viewed by some writers as interference with private enterprise.

On this line Dr. Bradley said he didn't feel Collier County people should bear the total responsibility for medical aid to migrants "if we can get funds elsewhere."

Medical attention available in Immokalee had been critically questioned by a Senate committee investigation of hunger and malnutrition in the area this winter. The federal grant of $20,000 to hire a doctor came after the Senate committee study.

"I thought if we could get a doctor, it would cost $50,000," Dr. Bradley admitted on Tuesday. "And Dr. Elbernoz is willing to live in Immokalee with his wife and three children.

Dr. Elbernoz had previous experience in public health work in Massachusetts, Ohio, and New Jersey.

[From the Miami Herald, June 19, 1969]

HEALTH OFFICIALS TOUR CAMPS IN IMMOKALEE

(By Barry Petersen, Herald Staff Writer)

IMMOKALEE.—Representatives from the federal government's Community Health Service and the University of Miami School of Medicine met here with Dr. Charles Bradley, Collier County health director, Wednesday and then took a one hour tour of migrant camps in and around Immokalee.

The four men—Robert Martens and David Watson from the Atlanta office of the Community Health Service and Drs. Leon Kreuger and George Adie from UM's medical school—visited the county to observe conditions and "make observations' of migrant health needs.

The four were guided around Immokalee by Edward King, migrant projects sanitarian, as they viewed camps and migrant housing from an air conditioned automobile.

"We were invited to take a look at problems in migrant health care." Dr. Kreuger said. "We don't know anything about the area and at this point I could even say there is a health problem here."

Bradley said after the meeting that the officials discussed the possibility of setting up a program allowing residents from the Miami school work in the county's clinics, but added the talks were "just exploratory conversations."

"They were quite enthusiastic about the idea," Bradley said. The next meeting between the county health director and the officials will be soon, he said, although he has no idea when a second meeting might take place.

If the medical school does indeed take up the project the program would be directed by Dr. Krueger, a member of the school's family physician team.

The federal and UM officials declined to make any statements regarding the tour or their discussion with Dr. Bradley.

The men spent about an hour closeted with Bradley at the Immokalee Clinic—one of three which Collier County runs—before taking the tour.

Bradley told county commissioners about the idea Tuesday at a commission meeting and that group endorsed the program as long as the county did not have to finance the project. Although the program is still very much in the formative stage, Bradley already has made one condition—that the program be run by his department although the staff and money for the program would come from outside the county.

Bradley has been handling migrant health care in the county by himself, dividing his time among the Naples, Immokalee and Everglades Clinics. He said Tuesday he would welcome help because it would improve the medical care the county's clinics can provide to migrant workers.

[From the Miami Herald, Apr. 2, 1969]

RED TAPE SNARLS MIGRANT DOCTOR

U.S. PAY MORE THAN ALLOWED

By Tom Morgan, Naples Bureau Chief)

EAST NAPLES.—A $20,000 annual federal allocation for a doctor to handle medical problems of Immokalee migrant farm workers is apparently being held up on state merit system rules limiting the pay for the job to $14,950 a year

Collier County commissioners were told Tuesday of the problem by Dr. Charles Bradley, head of the County Health Department, who said that word of the allocation from the Department of Health Education and Welfare was sent him by Rep. Paul Rogers.

"Rep. Rogers said he has a commitment from HEW for a permanent physician at the Immokalee Clinic where there is a real need." Dr. Bradley said.

"The Federal government has given its approval and is willing to take the responsibility, but the grant of $20,000 is being hamstrung by the Florida merit system which sets a statutory limit of $14,950 a year for such jobs."

"We can go 10 per cent above that if we can figure some way to bypass the system, possibly by a direct grant to the Immokalee Migrant Committee, but we can't supplement any salary by state law. The job has to go through the state merit system."

Dr. Bradley makes $16,000 yearly as the county department head; but said this doesn't matter—the thing is to get a full-time doctor over there." He admitted he hadn't studied possible merit system rules on relative pay scales for department heads and associates, "But I don't think this is a problem, it isn't with me."

Immokalee has one resident physician for a possible 5,000 population and a migrant worker influx of up to 14,000 people yearly. Dr. Bradley handles both the Immokalee and Naples areas and also must supply a clinic at Everglades City.

The Immokalee area was the recent scene of an investigation by the McGovern Senate Committee on Hunger whose results have been seriously questioned by community itself has worked through the independent Migrant Committee to provide food, clothes and medical aid for migrant workers.

Dr. Bradley said that it is possible the country may also get federal funds to expand the clinic at Immokalee "and also federal funds for migrant housing are in the wind and I hope we can get them before the dust settles."

"I move a vote of confidence in you and what you have done," said Commissioner Jack Kurke, with a slap at "ridiculous political publicity" of the Senate committee.

"I don't mind being kicked in the teeth if we can get something out of it," Dr. Bradley said.

The commission also praised Mrs. Hazel Griffin, county welfare director, who works on migrant problems and those of other farm workers.

[From the Miami Herald, May 23, 1969]

BI-LINGUAL PILOT PROJECT APPROVED

MIGRANTS TO BENEFIT IN PPROJECT

(By Tom Morgan, Naples Bureau Chief)

EAST NAPLES.—Collier County has only 64 U.S. school systems to get a first year pilot program in bilingual education for Spanish-speaking migrant children, it was announced Thursday in washington by Rep. Paul Rogers.

Rep. Rogers said the grant's amount has not been verified yet by the Department of Health Education and Welfare but is expected to be $55,000 for the first year toward a total five-year funding of $370,000.

The project would start at Immokalee, the center of the county's migrant population and of the farm industry which employs them.

"This is the second program to be funded and to bring national recognition to Collier County in two months," School Superintendent John A. Murphy said. "The first was a Teachers' Corps program where we were named among 20 school districts and counties in competition with the top national.

"In the bi-lingual program, a nationwide competition, we were the smallest county in population to be certified for a program which has a potential of guaranteeing $370,000 over five years."

K. C. Pittman, county federal coordinator, said the program will attempt to meet the problems of Spanish-speaking migrant children not only by teaching them subjects in Spanish in the morning and in English in the afternoon., but also will be carried into the migrants' homes to add to the teaching at school.

There will be 240 pupils affected in the first and second grades said Rep. Rogers. The grant will cover one bi-lingual and one mono-lingual teacher and a teacher's aide to start.

Murphy said the project was brought to the attention of federal authorities last January when Collier's preliminary proposal was entered in competition with 312 other applicants for the grants.

"In April we were advised that we were on of 78 selected to submit a formal proposal for further culling," Murphy said. "We were the only school system in the southeastern states to remain in competition."

The determination of the districts chosen was said to have been made on "justification of need as well as demonstrations of interest and denotation of capabilities "to carry out" the projects intent.

The plans here were worked out with the help of Mrs. Olivia F. Reid, and Dr. Frank Delia, consultants for bi-lingual education from the U.S. Office of Education who visited Collier County several times. They visited the schools and talked to teachers and principals.

The bi-lingual program is based on the idea that a child's mother tongue, when it is other than English, can help his education. The mother tongue would be used as the instruction medium before the child's command of English is able to meet the school load. The dual approach is meant to help prevent retardation in school development.

The pilot program at Immokalee will use eight classrooms, four each in the Lake Trafford and Highlands Elementary Schools.

"With more of these Spanish-speaking children functioning at their proper grade levels we can expect to have better classroom learning situations for all children," Murphy said.

VARIETY CHILDREN'S HOSPITAL,
Miami, Fla., March 7, 1968.

JOSEPH C. SEGOR,
Deputy Director, South Florida Migrant Legal Services Program, Inc., Miami, Fla.

DEAR MR. SEGOR: Some days ago you received from Dr. Jose Montalvo, the Medical Director of our hospital, a report on the examinations performed in our outpatient department last month on the migrant children from Immokalee.

The findings in the report are most startling. It is rather incredible that out of twenty-three children, we found thirty-eight clinical diseases—a most extraordinary morbidity rate for such a group.

The migrant population must be about the most under-provided for group in the nation, at least in terms of medical attention. Perhaps through our combined efforts some steps may be taken to alleviate this most serious and difficult problem. Certainly some sort of imaginative and innovative program can be evolved where this type of examination and provision for follow-up care can be placed on a regular basis rather than on a research or fact-finding basis.

If Variety Children's Hospital can assist in any way, you will find us eager to cooperate to the maximum extent of our resources.

I will be happy to discuss it with you at any time of your convenience.

Sincerely,

GERARD W. FRAWLEY,
Executive Director.

REPORT ON INFANTS AND CHILDREN FROM IMMOKALEE EXAMINED AT VARIETY CHILDREN'S HOSPITAL OUTPATIENT DEPARTMENT FEBRUARY 7, 1968

VCH #136423—MILTON, Herman: A six-months old colored male. X-rays showed pulmonary infiltrate and calcified hilar node on the right. This is probably pulmonary tuberculosis. Hemoglobin 7.3 gms. Iron deficiency anemia.

VCH #136425—JOHNSON, Carrie: A six-year-old colored female. Upper respiratory infection. Diarrhea. Impetigo.

VCH #136424—MILTON, Debbie Faye: Two-year-old colored female. Chronic respiratory infection. Hemoglobin 10.6 gms.

VCH #136426—JOHNSON, Elizabeth: fourteen-month-old colored female. X-rays showed central pneumonia, right lung with right hilar adenopathy. Hemoglobin 10.9.

VCH #136427—FLETCHER, Duane: Three-year-old colored male. Upper respiratory infection.

VCH #136428—FLETCHER, Risa: Eleven-month-old colored female. Upper respiratory infection. Diarrhea.

VCH #136429—FLETCHER, Steven: Two-year-old colored male. Upper respiratory infection. Otitis.

VCH #136430—JOHNSON, David: Two-year-old colored male. Chest x-ray: Bilateral pneumonia.

VCH #136431—JOHNSON, Gary: Three-year-old colored male. Chest x-ray: bilateral pneumonia.

VCH #136432—JOHNSON, Linda: Five-months-old colored female. Upper respiratory infection. Iron deficiency anemia. Hemoglobin 9.6 gms.

VCH #136433—CONCEPCION, Linda: Seven-month-old colored female. Upper respiratory infection. Iron deficiency anemia (Hemoglobin 9.3 gms.)

VCH #136434—ROMOY, Vincent: Four-year-old colored male. Upper respiratory infection.

VCH #136435—JOHNSON, Vernon: Two-year-old colored male. Upper respiratory infection. Iron deficiency anemia. Hemoglobin 9.3 gms.

VCH #136436—PRAY, Ann: Fourteen-month-old colored female. Upper respiratory infection. Iron deficiency anemia. Hemoglobin 8.7 gms.

VCH #136437—HENDERSON, Sharon: Three-year-old colored female. Impetigo.

VCH #136438—CONCEPCION, Ricky: Three-year-old colored male. Diarrhea. Iron deficiency anemia. Hemoglobin 9.9 gms.

VCH #136439—GLADSDEN, Christa: Four-year-old colored female. Underweight.

VCH #136440—BRYANT, Walter: Four-and-one-half-year-old colored male. Ascariasis. Upper respiratory infection.

VCH #136441—BRYANT, Michael: Three-month-old colored female. Upper respiratory infection.

VCH #136442—BRYANT, Barbara: Three-year-old colored female. Upper respiratory infection. Iron deficiency anemia. Hemoglobin 9.9 gms.

VCH #136444—LOMOX, Watson: Three-year-old colored male. Iron deficiency anemia. Hemoglobin 7. gms.

VCH #136445—LOMOX, Thurston: One-year-old colored male. Upper respiratory infection. Iron deficiency anemia. Hemoglobin 9 gms.

VCH #120061—BRYANT, Richard: Two-year-old colored male. Hydrocephaly. (Shunt done at Variety Children's Hospital.) Iron deficiency anemia. Hemoglobin 7.6 gms.

COMMENTS AND CONCLUSIONS

In twenty-three children and infants examined at Variety Children's Hospital, the following conditions were found:

1 Case with probable tuberculosis (by x-ray).
11 Cases with iron deficiency anemia.
3 Cases of diarrhea.
14 Cases of upper respiratory infection.
3 Cases of impetigo.
2 Cases of pneumonia.
1 Case of otitis.
1 Case of ascariasis.[1]

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[1] The scotch tape test (N.I.H.) was performed in all children to detect oxyuriasis (pinworm). The consistent negative results should be attributed to the fact that it was not performed under ideal conditions. There is probably a high percentage of intestinal parasites which this test does not reflect.

1 Case of hydrocephaly.

1 Case of sickle cell trait.

This represents a high incidence of respiratory infections (including pneumonia) and also of dietary deficiency (iron deficiency anemia). It is noteworthy also that 23 children suffered 38 clinical diseases which represents a very high morbidity for such a group.

The children who were suffering from pneumonia were given an injection of long acting penicillin, supplemented by oral penicillin during 10 days.

The children and infants who were found to have iron deficiency anemia were given either Imferron, intramuscularly, or iron drops by mouth.

No tuberculin test was carried on as this group was not scheduled to return to the hospital.

FLORIDA RURAL LEGAL SERVICES, INC.,
Fort Myers, Fla., October 13, 1969.

Hon. WALTER F. MONDALE,
Chairman, Subcommittee on Migratory Labor, U.S. Senate, Old Senate Office Building, Washington, D.C.

Attention Boren Chertkov, Counsel.

DEAR SENATOR MONDALE: This is in reference to my appearance before your subcommittee on August 7, 1969, for the purpose of giving testimony on the legal problems of this nation's seasonal and migratory farmworkers.

As you will recall, one of the points I stressed is the inadequacy of the present Inter-State Clearance Order System by which large farmers recruit workers. The system is at present strictly voluntary, and I pointed out the need for making it mandatory, so that the inter-state transportation of farmworkers could be strictly regulated.

In that regard, I am enclosing a copy of the decision of the United States Court of Appeals for the Fifth Circuit in the case of Pete Gomez, et al., versus Florida State Employment Service, et al. This case establishes, for the first time, the right of farmworkers to seek relief in federal court when they are deprived of the protection and benefit of the wages and working conditions promised under the act and regulations setting up the inter-state clearance order system. The case has great significance for farmworkers, and its ramifications are far-reaching. It is certainly one which we in the program are very proud of. However, its effect will be limited if those farmers who recruit in inter-state commerce are permitted to do so without obtaining clearance orders. Consequently, the need for legislation making the system a mandatory one, is greater than ever.

I hope that Congress will again consider this matter in light of this recent breakthrough in the law so that seasonal and migratory farm laborers will be afforded a meaningful remedy under the Wagner-Peyser Act of 1933 and the regulations promulgated by the Secretary of Labor thereunder.

Sincerely,

T. MICHAEL FOSTER,
Executive Director.

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT—NO. 26719

PETE GOMEZ, ET AL, PLAINTIFFS-APELLANTS

v.

FLORIDA STATE EMPLOYMENT SERVICE, ET AL., DEFENDANTS-APPELLEES

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

(October 9, 1969)

Before Brown, Chief Judge, Gewin and Goldberg, Circuit Judges.

Brown, Chief Judge: Remarkable as it may seem in this litigation prone world, this is the premier case brought under a statute thirty-six years old. This case raises for the first time[1] the question of whether under the Wagner-Peyser

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[1] The only reported litigation involving regulations under the Wagner-Peyser Act were suits against the federal government for breach of construction contracts where the employer was required either by the contract or the regulations of the War Manpower Commission to obtain labor from the United States Employment Service. Ottinger v. United States, Ct. of Cl., 1952, 106 F. Supp. 198; Sanders v. United States, Ct. of Cl., 1945, 60 F. Supp. 483.

Act of 1933 [2] and the regulations [3] promulgated by the Secretary of Labor pursuant to that Act migratory farm workers who accept work through the employment system set up by the Act and regulations have rights and remedies for violations. The question is whether these workers have rights and remedies under which they can get relief in Federal Courts when they are deprived of the protection and benefit of the wages and working conditions promised by the Act and regulations by employers and state officials—state officials charged with the protection of the workers' interest. Here the District Court dismissed the complaint on grounds that it had no jurisdiction and that the complaint failed to state a claim for which relief could be granted. We reverse and remand.

The employment system involved here does not supply only agricultural workers but workers in all areas. It is an interstate system that operates through local, State controlled offices that are subject to the regulations [4] of the Secretary of Labor and that receive applications for work and workers and make a series of attempts in wider and wider areas to fill the applications.[5]

The system was established in 1933 when Congress passed the Wagner-Peyser Act, which established the United States Employment Service as a bureau of the Department of Labor. The Act's basic objective was to establish an interstate system for the recruiting and transfer of labor.[6] The Act, quite obviously, was also intended to offer some protection to those employees who shift about the country[7] to meet the needs of those employers who voluntarily use the resources of the federal government to secure workers.[8]

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[2] Act of June 6, 1933, c. 49, 48 Stat. 113, 28 U.S.C.A. §§ 49 *et seq.*

[3] 20 C.F.R. § 602.9. See note 5, *infra.*

[4] See note 11 and accompanying text

[5] The regulations provide:

"No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless:

> "(a) The State agency has established, pursuant to recruitment efforts made in accordance with regulations, policies and procedures of the Bureau of Employment Security (United States Employment Service), that domestic agricultural workers are not available locally or within the State.
>
> "(b) The State agency has compiled and examined data on the estimated crop acreage, yield and other production factors in accordance with procedures established by the Bureau of Employment Security (United States Employment Service) to assure the validity of need and the minimum number of agricultural workers required.
>
> "(c) The State agency has ascertained that wages offered are not less than the wages prevailing in the area of employment among similarly employed domestic agricultural workers recruited within the State and not less than those prevailing in the area of employment among similarly employed domestic agricultural workers recruited outside the State.
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> * * * * * * *
>
> "(e) The State agency has ascertained that the employer has offered to provide or pay for transportation for domestic agricultural workers (1) at terms not less favorable to the workers than those prevailing among the domestic agricultural workers in the area of employment recruited from the area of supply; or (2) in the absence of such prevailing practice in the area of employment, at terms not less favorable to the workers than those which prevail among the domestic agricultural workers recruited by out-of-State employers who recruit domestic agricultural workers from the area of supply, as determined by the State Agency in the State requested to supply the workers.
>
> "(f) The State Agency has ascertained that other terms and conditions of employment offered are not less favorable than those prevailing in the area of employment for domestic agricultural workers for similar work."

20 C.F.R. § 602.9.

At the time this case arose the regulations regarding housing provided:

> "(d) The State agency has ascertained that housing and facilities:
>
> "(1) Are available;
>
> "(2) Are hygienic and adequate to the climatic conditions of the area of employment;
>
> "(3) Are reasonably calculated to accommodate the agricultural workers sought; and
>
> "(4)(i) Will not endanger the lives, health, or safety of workers. In making such determinations the State agency must acertain that the housing and facilities conform to the standards prescribed by the President's Committee on Migratory Labor (copies of these standards are available at all offices of the U.S. Employment Service), and applicable State, county, and local housing and sanitary requirements.
>
> (ii) If an employer can show that he is taking adequate steps to come into compliance with the standards prescribed by the President's Committee on Migratory Labor a waiver until a date not later than December 31, 1967, may be issued by the State agency. After December 31, 1967, such waivers may be issued by the regional office of the Bureau of Employment Security, if the employer demonstrates that extenuating circumstances require more time."

32 F.R. 7701 (May 21, 1967).

The current regulations provide:

> "(d) The state has ascertained that housing and facilities which comply with the provisions of part 620 of this chapter are available."

20 C.F.R. § 602.9(d). See notes 14–24; *infra.*

[6] See statement of duties of the U.S. Employment Service 29 U.S.C.A. § 49b.

These objectives were to be accomplished through that well-known device of "cooperative federalism", the grant-in-aid system.[9] Under the particular system established by the Act, the state agencies, which are substantially funded by federal money and are subject to the regulations of the Secretary of Labor,[10] process applications for workers and, after concentric local searches to fill the application, send the request through the interstate facilities of the United States Employment Service.[11] Because of its information about the supply of labor in all parts of the country, the Service then is able to forward the application—"Clearance Order"—to a state agency that can fill the request.

In 1951, reflecting the growing national concern about the deplorable condition of many migratory Americans, usually Negros or Mexican-Americans, who harvest the food for the nation's tables, the Secretary of Labor first promulgated referral standards for farm workers. (16 F.R. 9142). The standards, as those that followed,[12] were obviously designed to protect those workers that were acquired when farmers voluntarily sought the benefits of this federal system.

But conditions of farm workers apparently remained much the same despite these and other efforts. Their plight was vividly described by the Secretary of Labor in his letter seeking the Attorney General's opinion on the Secretary's power to promulgate what became substantially the regulations in question here.[13] The opinion referring to the Secretary's letter used these strong words: The "housing provided for migrant farm workers 'has frequently been overcrowded, unsanitary, lacking beds and bedding, unheated, and a fire hazard. Some migrants have even been required to sleep in the open, completely exposed to the elements.' These conditions 'breed disease and thus endanger the health of the whole community.' "[14] The conditions were there summed up in the direct and equally pungent words of the report of a Presidential study commission:

"Beyond wanting migrants to be available when needed and to be gone when not needed, they are expected to work under conditions no longer typical or characteristic of the American standard of life. In a period of rapidly advancing job and employment standards, we expect them to work at employment which, for all practical purposes, has no job standards."[15]

It is the "job standards" promulgated by the Secretary under which Plaintiffs ask for relief. The standards are relevant not because they are self executing and apply of their own force to employing farmers. Rather, they become operative only through voluntary use of this Government Employment Service.[16]

Plaintiffs, twenty-nine migratory farm workers, six of whom appeal, alleged that in the fall of 1967 Naples Farms, Inc., through Raymond Creel, the superintendent, sought to take advantage of the recruitment service provided by the Florida State Employment Service and the United States Employment Service. The requisite forms were filled out and the request for workers—"Clearance Order"—was eventually sent through the interstate facilities of the United

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[7] See Migrant Farm Labor-Wagner-Peyser Act, 41 Op. A.G. 406, 409 (July 2, 1959).

[8] The structure reflects its genesis as legislation passed during the dark days of the economic depression of the 1930's and the early days of 1933 when Congress labored under a restricted conception of its power, a conception fostered by contemporary decisions such as A.L.A. Schechter Poultry Corp. v. United States, 1935, 295 U.S. 495, 55 S.Ct. 837, 79 L.Ed. 1570; and Adair v. United States, 1908, 208 U.S. 161, 28 S.Ct. 277, 52 L.Ed. 436, which limited Congressional attempts to take direct action to improve the conditions of the American worker. See C. Swisher, American Constitutional Development 935 (2d ed. 1954); Brown, *Free Will in the Frontiers of Federalism*, 58 Mich. L. Rev. 999, 1019 (1960).

[9] See Brown, note 8, *supra* at 1016-19.

[10] In order for States to particiapte in the federal funds they must establish a state agency that meets the requirements of the Act and regulations of the Secretary of Labor, 29 U.S.C.A. § 49c.

[11] The attempt to fill the request is first made on the local labor market. If this attempt is unsuccessful, copies of the order are forwarded to surrounding public employment offices within the state. If these efforts also fail the request is sent to a regional office of the Federal Employment Service, and, finally, to Washington where the request is sent to other areas that have an excess supply of labor.

[12] See note 5, *supra*.

[13] See note 5, *supra*.

[14] Attorney General's opinion, note 7, *supra* at 408.

[15] *Id.* quoting report of the President's Commission, "Migratory Labor in American Agriculture" (1951). See also references to other sources. *Id.* n. 1.

[16] The Congress has often left the farmer free from the general regulation applicable to other segments of our economy. See, e.g. Fair Labor Standards Act of 1938, 29 U.S.C.A. § 201, 213 and Walsh-Henley Act, 41 U.S.C.A. § 35, 43. Farmers who chose to acquire their necessary labor supply from other sources, and not use the resources of the federal government, are free to subject workers to any conditions the laissez-faire economy and local laws will allow.

States Employment Service to Texas. In Texas the Texas State Employment Service forwarded the request to Plaintiff Pete Gomez[17] in Edinburg, Texas.

Plaintiffs also allege that in response to the request they went to Florida to accept the jobs. When they arrived, however, they found that the wages were lower than those called for in the regulations and the housing was woefully inadequate and far below the requirements[18] that should have been met before the request or "Clearance Order" had been processed. The list of grievances is long: There was no electricity in most cabins.[19] None of the cabins had running water and there were no working toilets.[20] There were no facilities for garbage pick-up or disposal.[21] There was no access to drinking water.[22] There were no workable showers.[23] And, none of the cabins had any heat at all.[24]

It is also alleged that in February 1968 Plaintiff Gomez sought to rectify the situation. Believing that his proper avenue of redress was the Lee County Board of Health, he got Everett Cooper, a sanitarian for the Lee County Board of

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[17] Gomez is apparently a crew boss or crew chief who organizes groups of workers and delivers a specific number of workers to a particular employer upon demand.

[18] The housing regulations that must now be complied (see note 5, *supra*) with before a request for workers is supposed to be sent through the interstate channels of the U.S. Employment Service are found at 20 C.F.R. 620.1–.17.

[19] The regulations now provide:

"(a) All housing sites shall be provided with electric service.

"(b) Each habitable room and all common use rooms, and areas such as: Laundry rooms, toilets, privies, hallways, stairways etc., shall contain adequate ceiling or wall-type light fixtures. At least one wall-type electrical convenience outlet shall be provided in each individual living room.

"(c) Adequate lighting shall be provided for the yard area, and pathways to common use facilities.

"(d) All wiring and lighting fixtures shall be installed and maintained in a safe condition."

20 C.F.R. § 620.10.

[20] The regulations now provide:

"Excreta and liquid waste disposal.

"(a) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.

"(b) Where public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.

"(c) Where public sewers are not available, a subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system, privies or portable toilets shall be provided. Any requirements of the State health authority shall be complied with."

20 C.F.R. § 620.6.

[21] The regulations now provide:

"(a) Durable, fly-tight, clean containers in good condition of a minimum capacity of 20 gallons, shall be provided adjacent to each housing unit for the storage of garbage and other refuse. Such containers shall be provided in a minimum ratio of 1 per 15 persons.

"(b) Provisions shall be made for collection of refuse at least twice a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with State and local law."

20 C.F.R. § 620.14.

[22] The regulations now provide:

"(a) An adequate and convenient supply of water that meets the standards of the State health authority shall be provided.

"(b) A cold water tap shall be available within 100 feet of each individual living unit when water is not provided in the unit. Adequate drainage facilities shall be provided for overflow and spillage.

"(c) Common drinking cups shall not be permitted."

20 C.F.R. § 620.5.

[23] The regulations now provide:

"(a) Bathing and handwashing facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. These facilities shall be clean and sanitary and located within 200 feet of each living unit.

"(b) There shall be a minimum of 1 showerhead per 15 persons. Showerheads shall be spaced at least 3 feet apart, with a minimum of 9 square feet of floor space per unit. Adequate, dry dressing space shall be provided in common use facilities. Shower floors shall be constructed of nonabsorbent, nonskid materials and sloped to properly constructed floor drains. Except in individual family units, separate shower facilities shall be provided each sex. When common use shower facilities for both sexes are in the same building they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and in the native language of the persons expected to occupy the housing."

20 C.F.R. § 620.12.

[24] The regulations now provide:

"(a) All living quarters and service rooms shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 68° F. if, during the period of normal occupancy the temperature in such quarters falls below 68°.

"(b) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No portable heaters other than those operated by electricity shall be provided. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet, or other fireproof material on the floor

Health, to come to the campsite. Far from seeking compliance by the employer with the state health regulations or the regulations of the Secretary of Labor, however, Cooper threatened Gomez with a $500.00 fine for each offense if the houses were not repaired.

The basis of Plaintiff's complaint against the employees of the state employment agency is that they failed to meet the obligations imposed on them by the regulations. (See note 5, *supra*). It is directly charged that they made no attempt to determine whether Naples Farms would comply with the regulations and by this failure deprived Plaintiffs of the benefit of these regulations. Naples Farms is alleged to have intentionally deprived Plaintiffs of the protection of the regulations by misleading the State officials. Likewise, Cooper, the sanitarian, is a defendant because of Plaintiffs' claim that he intentionally deprived them of the protection of the regulations. Finally, Plaintiffs allege that all Defendants not only acted intentionally but that they acted jointly and as a part of a conspiracy.

Since there is no diversity jurisdiction, the Plaintiffs, although their damages may be real, can obtain relief through the Federal Courts only if damage was done to a federal right that the Federal Courts are empowered to protect. The existence of the federal right in this case turns on whether the Wagner-Peyser Act, 29 U.S.C.A. §§ 49 *et. seq.*, and the regulations of the Secretary of Labor promulgated pursuant to the Act bestow rights that the workers may assert, and if so, whether the Wagner-Peyser Act and the regulations created a federal remedy. Additionally, the claim is made under the civil rights acts that the rights created by the regulations and Act, are "privileges and immunities secured by the . . . laws"[25] of the United States.

We start with the proposition that there can be no doubt that the regulations of the Secretary of Labor were intended to protect the interest of the workers. The conditions were deplorable. (See note 14, *supra*, and accompanying text.) There were no standards. The Secretary was concerned about preventing the use of the federal resources to help prolong these conditions and to subvert other efforts to improve the conditions of the workers. In words attributable to the Secretary of Labor, the regulations were said to be designed to prevent "the public employment service from being utilized to send workers over long distances to employment providing quarters dangerous to their health and safety." (Attorney General's opinion note 7, *supra* at 409). The Secretary's concern with workers, their wages, living and transportation conditions as being at the heart of the Secretary's purpose in promulgating more effective standards is attested by the Attorney General's paraphrase:

"Concerning the proposed wage amendment, it is said that its purpose, like that of the existing regulation, is to prevent the use of the interstate system as a vehicle for undermining prevailing wage rates in the area of employment. As to the transportation amendment, you advise me that like the wage proposal it seeks only equal treatment for employees referred through the interstate recruitment program."

Attorney General's opinion, note 7, *supra* at 409.

Just as important as this "legislative" history in demonstrating the Secretary's purpose is the clear emphasis of the regulations themselves. (See note 5, *supra*). Who was to be protected by regulations controlling working conditions and wages of these farm laborers who worked for meager wages and under such barbaric conditions? The answer is plain, even though masked at times by euphemisms that cast the objective as avoiding conditions which would jeopardize the reputation or patronage of the employment service as just another private employment agency. Attorney General's opinion, note 7, *supra*, at 414.

Thus from the "legislative" history and from the regulations themselves it is plain that they were intended to confer an interest upon migrant farm workers such as Plaintiffs here. There being no explicit indication in the regulations or the Act that the workers were to have the opportunity to protect such conferred

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under each stove, extending at least 13 inches beyond the perimeter of the base of the stove.

"(c) Any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof.

"(d) When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded."
20 C.F.R. § 620.9.

Although the regulations cited in notes 19–24 were not in effect at the time this claim arose, we do not regard the current regulations as providing significantly different standards. They are merely more specific. See note 5, *supra*.

[25] 42 U.S.C.A. § 1983, see note 33 and accompanying text, *infra*.

interest is not decisive since the existence of such an explicit grant of a remedy is not necessary. A civil remedy may be given to those protected by statutes or regulations by implication. Its sources are broad, including the language and the apparent purpose of the Act and regulations, as well as its "legislative" history. See Note, *Implying Civil Remedies From Federal Regulatory Statutes*, 77 Harv. L. Rev. 205 (1963).

This implication of a private civil remedy was first recognized by the Supreme Court in 1916 in *Texas & Pac. Ry, v. Rigsby*, 241 U.S. 33, 53 S.Ct. 43, 60, L. Ed. 874, where the Court held that an employee could recover damages under the Federal Safety Appliance Act. Since *Rigsby* civil remedies have been implied in areas[26] ranging widely from airline regulations[27] to control of the trading in corporate securities[28] and based upon regulations[29] as well as statutes.

This Act, its setting and the regulations call imperatively for implied remedies here if the purpose of the regulations—the protection of migratory farm workers—is to be achieved. Experience proved the need for more and stringent standards. Standards were stated and stated in terms relating to workers, their pay and conditions of living and transportation. Who, more than the workers, would be the expected beneficiaries of them? What more effective way will there be to eradicate conditions so deplored? See Attorney General's opinion note 7, *supra*, at 409. What better way will there be to eliminate the problem of poor workers responding to "Clearance Orders", journeying hundreds of miles across the country to accept work and the advantage of the benefits promised by the laws of the United States only to find that the promise is a fraud? Absent an implied remedy, the workers have no protection. They would not have even the protection of a criminal sanction. And, civil suits under local concepts hardly meet these conditions.

It is unthinking that Congress, obviously concerned with people, would have left the Secretary with only the sanction of cutting off funds to the state. Moreover, the private civil remedy is a method of policy enforcement long honored explicitly in statutes and by implication with the help of courts. Congress more and more commits the individuals, acting as a private Attorney General, the effectuation of public rights through relief to individuals. See *Pettway v. American Cast Iron Pipe Co.*, 5 Cir. 1969, 411 F.2d 998; *Jenkins v. United Gas Corp.*, 5 Cir., 1968, 400 F.2d 28. (Cases under Title VII of the 1964 Civil Rights Act, 42 U.S.C.A. § 2000e–3(a)).

Nevertheless, Naples Farms, the employer, argues that, even if there is a private civil remedy under the statute and regulations against the state officials, there is no such remedy against it since neither the regulations or the statute imposes any duty on the employer. It is true that the basic obligation for insuring that the housing and other working conditions meet the requirements of the regulations is placed on the state agency. (See note 5, *supra*). This does not mean, however, that the employer has no duty. It is, after all, the working, pay, living and transportation conditions of that requesting employer which the state agency is to check and certify. And, if the employment system is to be workable,[30] he has a duty not to intentionally mislead the state officials. When he does so and receives workers he is implicated with such officials.

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[26] See Tunstall v. Brotherhood of Locomotive Fireman and Enginemen, 1944 23 U.S. 210, 213, 65 S. Ct. 235, ——, 89 L. Ed. 187, 193, under the Railway Labor Act, 45 U.S.C.A. § 151 *et seq.*

[27] See e.g., Fitzgerald v. Pan American World Airways, 2 Cir., 1956, 229 F. 2d 499; Mortimer v. Delta Airlines N.D. Ill., 1969, —— F. Supp. —— [38 L.W. 2089, July 24, 1969].

[28] See e.g., Hooper v. Mountain States Sec. Corp., 5 Cir., 1960, 282 F. 2d 195; Errion v. Connell, 9 Cir., 1956, 236 F. 2d 447.

[29] It has often been held that civil remedies may be implied from regulations, as well as statutes, See, e.g., Hooper v. Mountain States Sec. Corp., 5 Cir. 1960, 282 F. 2d 195, 200–01; Mortimer v. Delta Airlines, N.D. Ill., 1969, —— F. Supp. —— [38 L.W. 2089 July 24, 1969].

[30] The great reliance that must be placed in the good faith of the employer is illustrated by a memorandum sent by the Department of Labor to all state employment security agencies on July 26, 1967. The memorandum explained the regulations and in part provided:

"The State agency has the basic responsibility of assuring that all housing used, or to be used, for workers recruited through the interstate clearance process is inspected. However, the workload imposed by this policy may preclude State agency inspection of each unit on a timely basis. Employer certifications and the assistance of other responsible State and/or local agencies may therefore be used to reduce State agency workloads. To assure that the responsibility imposed by the Secretary's regulations has been met, however, State agency personnel must inspect as large a percentage of affected employer housing as possible. Where an agreement with a cooperating agency provides for inspection of all farm labor housing, and such agency has an acceptable inspection program, inspection reports supplied by such agencies may be accepted in lieu of an inspection by the State agency. (Employer certification and inspection by other agencies are explained below.)"

It is just this type of intentional conduct Plaintiffs allege.[31] Whether Plaintiffs can prove this claim is another matter,[32] but the complaint is more than adequate to resist a motion to dismiss. *Pred v. Board of Public Instruction*, 5 Cir., 1969, —— F.2d —— [No. 26576, Sept. 9, 1969] and cases cited there at note 1.

Defendant Cooper, the Lee County Sanitarian, also urges that there can be no private cause of action against him under the Wagner-Peyser Act and the regulations since he did not participate in any way with this employment service. But, it is not that simple. The complaint charges that Cooper knew that Plaintiffs were being deprived of housing and working conditions to which they were entitled. And, that he sought to deprive them of means of obtaining redress for their grievances.

Certainly, if Cooper did act in concert with the employer and other state officials, he is subject to similar sanctions. Moreover, the complaint asserts a bold, flagrant retaliation against Plaintiffs for Gomez having sought redress. This type of coercive retaliation, for which appropriate remedies have been offered, has traditionally been in violation of similar statutes setting "job standards" in other areas. See e.g., *Nash v. Florida Indus. Comm'n.*, 1967, 389 U.S. 235, 238, 88 S.Ct. 362, 365, 19 L.Ed.2d 438, 442 (NLRA); *Mitchell v Robert De Mario Jewelry, Inc.*, 1960, 361 U.S. 288, 80 S.Ct. 332, 4 L.Ed.2d 323 (FLSA); *Pettway v. American Cast Iron Pipe Co.*, 5 Cir., 1969, 411 F.2d 998, 1005–07 (Title VII of the 1964 Civil Rights Act). At this stage, we see no reason why such conduct does not give rise to relief here.

We are not, however, limited to the existence of an implied civil remedy under these migratory-labor regulations to hold that Plaintiffs have stated a claim for which relief can be granted against either Naples Farms, Mr. Cooper, or the employees of the Florida State Employment Agency. Under the Civil Rights Acts, Congress has provided a general statute giving a civil remedy to those persons who are deprived "under color of law" of "any rights secured by the Constitution and laws of the United States." [33] 42 U.S.C.A. § 1983.

The state action necessary under § 1983 clearly exists as to the employees of the Florida State Employment Agency and the Lee County Sanitarian, Mr. Cooper. Moreover, no difficulty in regards to state action arises as to Naples Farms in view of the positive charges that must be credited.

The complaint alleges—and with sufficient specificity (see note 32, *supra*)—that all defendants acted jointly and as part of a plan or conspiracy to deprive Plaintiffs of the rights granted them by the regulations. (See note 32, *supra*). The Supreme Court in *United States v. Price*, 1966, 383 U.S. 787, 86 S.Ct. 1152, 16 L.Ed.2d 267, in construing 18 U.S.C.A. § 242, the criminal counterpart to § 1983, held that:

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[31] Paragraph 14 of Plaintiffs' complaint provides:

"14. Sometime before October 30, 1967, Defendant CREEL, seeking the gratuitous benefits of the procedures for the interstate recruitment of agricultural workers by the Florida State Employment Service, prepared a Clearance Order. He knew at the time he prepared this form that the housing he designated in his Order did not comply with regulatory standards of 20 CFR § 602.9(d), nor did he have any intention of bringing the housing into compliance with law. Further, he intended that he would not pay the minimum wage required by 29 USCA 201 et seq., or the wages and hours represented in the Clearance Order."

[32] Plaintiffs also allege that all Defendants were a part of a conspiracy to deprive them of the benefits of the regulations and, in an attempt to state a cause of action under 42 U.S.C.A. § 1985, to deprive them of equal protection of the laws. The allegations of conspiracy appear in paragraph 20 of Plaintiffs' complaint.

"20. At all times relevant the named Defendants acted under color of the statutes, ordinances, regulations, customs, or usages of the State of Florida and its legal subdivisions and Defendants SHEBEL, MOSS, TOOKE, BULL, and COOPER [the employees of the state agency], did act in their official capacities as officers under the laws of the State of Florida. At all times relevant the Defendants acted jointly in concert and in conspiracy with one another causing Plaintiffs to be deprived of their contractual and federally guaranteed rights."

Defendants contend that the allegations are not specific enough to state a claim. In support of this proposition they rely upon such cases as Powell v. Workmen's Compensation Board, 2 Cir., 1964, 327 F.2d 131 and Neff v. World Publishing Co., 8 Cir., 1965, 349 F.2d. 235, 257. The idea that the requirement for specificity in the pleading of conspiracy is like that for pleading fraud is not followed by us. See Pred. v. Board of Public Instruction, 5 Cir., 1969 —— F.2d ——, —— n. 11 [No. 26576, Sept. 9, 1969]; Due v. Tallahassee Theatres, Inc., 5 Cir., 1964, 333 F.2d 630, 631. The remedy is not dismissal, which halts the proceedings at the Courthouse door. The remedy is full use of flexible discovery. *Cf.* Surowitz v. Hilton Hotels Corp. 1966, 383 U.S. 363, 86 S. Ct. 845, 15 L. Ed. 2d 807.

[33] This was § 1 of the Civil Rights Act of 1871 and it provides:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

42 U.S.C.A. § 1983.

"Private persons, jointly engaged with state officials in the prohibited action, are acting 'under color' of law for purposes of the statute. To act 'under color' of law does not require that the accused be an officer of the State. It is enough that he is a willful participant in joint activity with the State or its agents." 383 U.S. at 794, 86 S.Ct. at ——, 16 L.Ed.2d at 272.

See also *Baldwin v. Morgan*, 5 Cir., 1961, 287 F.2d 750.[34]

Even with the necessary State action present for all parties, Defendants contend, and the District Court held, that § 1983 is not available to Plaintiffs since "the type of 'rights' which the plaintiffs alleged they were denied or deprived are not those protected under the Civil Rights Acts relied upon." Order of District Court dismissing complaint.

It is true that § 1983 has quite often been used as a means of protecting *Constitutionality* guaranteed rights, particularly in the area of equal protection of the Negro.[35] But the language of this civil rights statute is broad: it is a violation of the statute to transgress "*any* rights, privileges, or immunities secured by the Constitution and *laws*" of the United States. 42 U.S.C.A. § 1983 (emphasis added). Moreover, the Supreme Court in *Peacock v. Greenwood*, 1964, 384 U.S. 808, 86 S.Ct. 1800, 16 L.Ed.2d 944, clearly indicated that § 1983 was applicable when statutory, as well as, constitutional "rights, privileges and immunities" were involved. The Court said: "Under 42 U.S.C.A. § 1983 . . . the officers may be made to respond in damages not only for violations of rights conferred by federal equal civil rights laws, but for violations of other federal constitutional and statutory rights as well." 384 U.S. at 829–30, 86 S.Ct. at ——, 16 L.Ed2d at 958. See also, *Sheridan v. Garrison*, 5 Cir., 1969, —— F.2d ——, at —— [No. 25516, Aug. 13, 1964 (page 12 of slip op.)].

Despite these authorities and the clear purport of the language of the statute, Defendants argue that § 1983 does not provide a basis for recovery. The argument is based on statements in several cases that § 1983 does not protect property rights.[36]

We need not determine the extent to which "property" rights are outside of § 1983 recourse[37] since the essence of the claim here is the denial of rights of an essentially personal nature, touching such intimate things as living and eating conditions, freedom from the marks of modern peonage, work at starvation wage levels in degrading poverty.

The aim of the Plaintiffs, through appropriate judicial remedies, is to secure for themselves the fundamentals of human dignity. They seek to protect their right to decent housing and sanitary living conditions so they and their children may be free of disease. They seek to protect their ability to work for the wages which Congress has in effect determined to be the minimum to which they are entitled. They seek sanctions for having been deprived of some of those few protections designed by Congress to lift them out of economic-sociologic peonage. Such fundamental human, highly personalized rights are just the stuff from which § 1983 claims are to be made.

In addition to the argument that Plaintiffs have stated no claim for which relief may be granted, Defendants argue that the Trial Court was correct in holding that it had no jurisdiction to hear the claims, even if such claims were stated, since the requisite jurisdictional amount is not claimed, 28 U.S.C.A. § 1331.[38]

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[34] It warrants emphasis again that the use of the magic word "conspiracy" does not necessarily take it out of § 1983 and throw it into § 1985. On usual principles of agency persons may be held accountable for the acts of others under § 1983. Most times such a combination, concerted action, etc. would constitute "conspiracy", too.

[35] See Monroe v. Pape, 1961, 365 U.S. 167, 81 S. Ct. 473, 5 L. Ed. 2d 492.

[36] Hague v. C.I.O., 1939, 307 U.S. 496, 59 S. Ct. 954, 83 L. Ed. 1028; Holt v. Indiana Mfg. Co, 1899, 176 US 68, 20 S Ct 272, 44 L. Ed. 374; City of Boulder v. Snyder, 10 Cir., 1968, 396 F. 2d 853; Howard v. Higgins, 10 Cir., 1967, 379 F. 2d 227; Ream v. Handley, 7 Cir., 1966, 359 F. 2d 728; Fuller v. Volk, 3 Cir., 1965, 351 F. 2d 323; Booth v. General Dynamics Corp., N.D. Ill., 1967, 264 F. Supp. 465; Pudlick v. Public Service Co., D.C. Colo. 1958, 166 F. Supp 921.

[37] Bussie v. Long, 5 Cir., 1967, 383 F. 2d 766, 769. See also Atlanta Bowling Center, Inc. v. Allen, 5 Cir., 1968, 389 F. 2d 713.

Without intimating our position on it the "property" limitation on § 1983 first articulated in Justice Stone's concurring opinion in Hague v. C.I.O., 1939, 307 U.S. 496, at 529–32, 59 S. Ct. 954, 83 L. Ed. 1423 at 1444–45, may be giving away to changing concepts of "property". See Reich, The New Property, 73 Yale L.J. 733 (1964). For examples of what some consider to be an erosion see Damico v. California, 1968, 389 U.S. 416, 88 S. Ct. 526, 19 L. Ed. 2d 647 (aid to families with dependent children); Pred v. Board of Public Inst., 5 Cir., 1968, —— F. 2d —— [No. 26576, Sept. 9, 1969] (job as a school teacher); Mansell v. Saunders, 5 Cir., 1967, 372 F. 2d 573 (garbage district franchise).

[38] "(a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $10.000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

"(b) Except when express provision therefor is otherwise made in a statute of the

28 U.S.C.A. § 1331(a)(b).

But that is not the end of the matter since 28 U.S.C.A. § 1343 and its interplay with 42 U.S.C.A. § 1983 adequately supply jurisdiction.[39] Additionally, jurisdiction is established by 28 U.S.C.A. § 1337,[40] which provides that the District Court has original jurisdiction of any cause of action arising under a statute regulating interstate commerce. There is no requirement for any jurisdictional amount. Almost every conceivable test of "arising under" is met. The claim is a direct assertion of federal statutory (regulatory) rights. Also, construction one way or the other will have a direct bearing on recovery or non-recovery. *Florida East Coast Ry. Co. v. Jacksonville Terminal Co.*, 5 Cir., 1964, 328 F.2d 720, *cert. denied*, 379 U.S. 830, 85 S.Ct. 59, 13 L.Ed. 2d. 38; *cf. Mungin v. Florida East Coast Ry.*, 5 Cir., 1969, ____ F.2d ____ [No. 26333, Sept. ____, 1969]. The complaint both directly invokes the regulations as a basis for relief and brings the construction of the Wagner-Peyser Act and the regulations into direct question. The whole structure is to regulate the interstate flow of workers to places of need from places of surplus. This is interstate commerce in its plainest form.[41]

Thus we hold that the complaint does state claims for which relief may be given and that on the basis of this complaint that the District Court has jurisdiction to hear these claims. Now the real facts—not just what the lawyers say the facts are—must be ascertained. And, after these facts are determined the remedies to be given, if—and the if may be substantial—Plaintiffs can prove their case, must be determined. These remedies may be, and probably will be, different for the various Defendants. Thus, when the real facts are determined, it may be that money damages, which are appropriate against the private defendants may not be appropriate for all defendants. But, we leave this case to the superintendence of the Trial Judge without even a murmur of how it should come out either on the intrinsic merits or the relief to be granted.[42]

REVERSED and REMANDED

(Adm. Office, U.S. Courts—Scofields' Quality Printers, Inc., N. O., La.)

United States, where the plaintiff is finally adjudged to be entitled to recover less than the sum or value of $10,000, computed without regard to any setoff or counterclaim to which the defendant may be adjudged to be entitled, and exclusive of interests and costs, the district court may deny costs to the plaintiff and, in addition may impose costs on the plaintiff."

[39] 28 U.S.C.A. § 1343 provides:

"The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

> "(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;
>
> "(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;
>
> "(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens of of all persons within the jurisdiction of the United States;
>
> "(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote."

28 U.S.C.A. § 1343.

This section has traditionally been the basis for jurisdiction of claims arising under the Civil Rights Act including § 1983—it was enacted specifically to provide federal jurisdiction in cases arising under these statutes. See Note, Federal Judicial Review of State Welfare Practices, 67 Colum. L. Rev. 84, 111–15 (1967). Section (3) tracks the language of § 1983 except for the variation that gives the district courts jurisdiction of suits to redress only deprivations of rights secured by law *"providing for equal rights."* We do not here determine whether the claim based on violation of the regulations of the Secretary would come within the proviso of "equal rights", nor consider the significance of the Supreme Court's reservations on the point in King v. Smith, 1968, 392 U.S. 309, lat 313, n. 3, 88 S.Ct. 2128, ——— n. 3, 20 L.Ed.2d 1118, 1123, n. 3. See Cover, Establishing Federal Jurisdiction in Actions Brought to Vindicate Statutory (federal) Rights when no Violation of Constitutional Rights are Alleged. (Unpublished paper submitted to Columbia Center on Social Welfare Policy and Law). Note, Federal Judicial Review of State Welfare Practices, 67 Columm. L. Rev. 84, 111–15 (1967).

We need not do this since § 1343(4) does provide jurisdiction for all claims stated under § 1983, although operating as a conduit through which other statutory rights are protected, is itself an "Act of Congress providing for the protection of civil rights . . ."

[40] "The district court shall have original jurisdiction of any civil action or proceeding arising under any Act of Congress regulating commerce or protecting trade and commerce against restrains and monopolies." 28 U.S.C.A. § 1337.

[41] Programs administered by the Department of Labor have uniformly been claimed to arise under under Acts of Congress regulating interstate commerce. See e.g., Felter v. Southern Pac. Co., 1959, 359 U.S. 326, 79 S.Ct. 847, 3 L.Ed.2d 854; Serio v. Liss, 3 Cir., 1961, 200 F.2d 386.

[42] A party should be granted all relief to which he is entitled even if the relief has not been demanded. See F.R. Civ. P. 54(c); Mungin v. Florida E. C. Ry. Co., 5 Cir., 1969, ——— F. 2d ———, ——— [No 26333, Sept. , 1969]; Equity Capital Co. v. Sponder, 5 Cir., 1969, ——— F. 2d ———, ——— n. 1 [No. 26705, Aug. 7, 1969]; Molnar v. Gulfcoast Transit Co., 5 Cir., 1967, 371 F. 2d 639.

Senator MONDALE. Our next witness is Mr. Jonathan Chase, professor of law at the University of Colorado, and director of Colorado rural legal services program, Boulder, Colo.

STATEMENT OF JONATHAN CHASE, PROFESSOR OF LAW, UNIVERSITY OF COLORADO; AND DIRECTOR, COLORADO RURAL LEGAL SERVICES PROGRAM, BOULDER, COLO.

Mr. CHASE. My name is Jonathan Chase, associate professor of law at the University of Colorado. I have a prepared statement that I would like to submit for the record, and I would like to summarize my statement orally.

Senator MONDALE. We will print your statement in the record at this point and then you may continue with your summary.

Mr. CHASE. I would first like to thank the committee for the opportunity to speak here today on behalf of this Nation's migrant farmworkers. I am ever hopeful that hearings such as this will eventually result in some meaningful change on behalf of agricultural workers. I fear, however, that even we, the white collar, middle-class spokesmen for the farmworker share his powerlessness when it comes to effecting any real institutional change or to causing government to respond faborably to his need.

(The prepared statement of Mr. Chase follows:)

PREPARED STATEMENT OF JONATHAN B. CHASE, PROFESSOR OF LAW, UNIVERSITY OF COLORADO; AND DIRECTOR, COLORADO RURAL LEGAL SERVICE: PROGRAM, BOULDER, COLO.

I would first like to thank the Committee for the opportunity to speak here today on behalf of this nation's migrant farm workers. I am ever hopeful that hearings such as this will eventually result in some meaningful change on behalf of agricultural workers. I fear, however, that even we, the white collar, middle class spokesmen for the farm worker share his powerlessness when it comes to effecting any real institutional change or to causing government to respond favorably to his need.

Three years ago, while teaching at the University of Colorado School of Law, I spent the summer in an effort to learn of the life of the migrant farm worker in Colorado. During the first three weeks of that summer, I worked in sugar beet fields and lived in labor camps in two different parts of the state. During the remainder of the summer I traveled around the rest of the state speaking with people and observing conditions relating to farm workers. That summer resulted in an article published in the Colorado Law Review which I would like to make a part of this record.

I have maintained my interest in the problems of the farm worker in the state of Colorado and this summer am supervising a VISTA Education in Action program operating through the Universitw of Colorado School of Law. I would also like to make a copy of the proposal for that program part of this record. The purpose of this VISTA program is to provide legal services to migrant farm workers, particularly with regard to their legal problems as farm workers. In order to accomplish this objective, eleven law students from the University of Colorado, two from the University of Iowa, one from the University of Michigan and one from Denver University are working in conjunction with the University of Colorado School of Law's Iegal Aid and Defender Program in two parts of the state of Colorado: northeastern Colorado and the Arkansas Valley. By legislation and court rule in the state of Colorado, our law students associated with the Legal Aid and Defender Program are permitted, under certain circumstances, to appear in the courts of this state. These students are living among the farm workers, utilizing outreach workers employed by other government and charitable institutions in these areas, in an effort to bring legal services, for the first time, to these forgotten people.

I think it is fair to say that the program, which is a little more than half over, has been very successful. The best way to describe its success and to also tell you of the kinds of legal problems that we have identified and dealt with, would be to relate to the Committee an account of the cases handled by our students thus far this summer. I am not going to include in this case summary any of the criminal cases, usually traffic offenses, handled by our students, of which there have been very many. Nor shall I include the many informal actions taken by our students as relatively articulate white middle class negotiators. I will merely relate those cases of a more formal nature involving some affirmative action taken by our students on behalf of farm workers. Before I relate the cases, however, I think it important that I briefly describe to you the hand operations involved in the production of sugar beets, the largest hand labor crop in the state of Colorado, and the crop with which we have become most involved.

In Colorado there are customarily two hand operations involved in the production of sugar beets. The first is the thinning and first weeding, and the second is what is referred to as the hoeing, a second weeding operation. In some instances a third weeding operation is also required. Up until this year, there was very little mechanical thinning utilized in this state. This has changed rather drastically, however, this summer, with the result that many workers no longer thin as a first operation, but merely weed. As you are probably aware, wage rates for the production of sugar beets are established by the United States Secretary of Agriculture pursuant to the Federal Sugar Act of 1948, 7 U.S.C. §§ 1100–1161. If a worker feels that he has not been paid according to the rate established by the Secretary of Agriculture, he then files a wage claim before the county Agricultural Stabilization and Conservation Service Committee. An appeal may be taken to the state ASCS committee, and from there to the Deputy Administrator, state and county operations, Agricultural Stabilization and Conservation Service. I believe that is sufficient background to understand the cases to be discussed below. I can elaborate further as this becomes necessary.

Case No. 1.—Generally workers understand that if they do the thinning and first weeding, they will then be able to do the second weeding operation. In this case, after the workers completed the thinning and first weeding, however, the farmer refused to let them do the second operation. We have filed in county court, claiming lost wages of $10 per acre (the minimum rate for that operation, as established by the Secretary of Agriculture). We have had many cases such as this, in most of which there was no express agreement between the grower and the worker that after the first hand operation the worker would be able to do the second. It is, however, certainly the understanding of the workers that this will be the case. With this expectation, many workers will do a very careful job on the first operation, earning relatively little money at that time, knowing that their care at this time will be rewarded by the ease at which they will be able to complete the second operation. Farmers have been known to take advantage of this by firing the crew after the first operation and bringing in another crew for the second operation, paying the second crew at the hourly rate, $1.65 an hour, as opposed to the piece work rate of $10 per acre. There has been no disposition of this case to date. I might add that in the county court proceedings which have been brought by our law students, we have proceeded in forma pauperis, thus avoiding court costs.

Case No. 2.—This case raises the same issues discussed in Case No. 1, with the difference here that, in addition to bringing suit against the grower, Great Western Sugar Company is also named as defendant. The reason for naming Great Western as defendant in this case is because there were representations made by Great Western to the farm worker that he would be able to do the second hoeing. As a matter of fact, unless the farm worker stayed on to do the second hoeing, he would be ineligible to receive the bonus ordinarily paid by Great Western for the return trip to Texas. This suit has been filed in county court.

Case No. 3.—A crew had been promised a particular field on which to do a second hoeing. When they showed up to do the work they found that they had been replaced by another crew. A suit has been filed in county court for the resulting lost wages.

Case No. 4.—Here, again, suit was filed in county court for wages lost as a result of being denied the second hoeing.

Case No. 5.—Both the American Crystal Sugar Company and the Great Western Sugar Company, operating in the Arkansas Valley and northeastern Colorado respectively, do most of their own recruitment, as opposed to the Holly Sugar Company, operating in western Colorado, which does not do any of its own recruiting, but relies exclusively on the state employment service to supply the workers needed by growers under contract with Holly. Both American Crystal and Great Western give each worker a small sum of money with which to come from Texas to Colorado. If the workers do all of the work for the grower with whom they're placed by either of these companies, and do it to the satisfaction of the grower and the sugar company field representative, a bonus will then be given to the workers for the return trip to Texas. In addition to the amount of money actually given to the workers, loans ranging from $100 to $300 will also be made. In consideration for these loans, in the case of Great Western, the workers turn over the title of their automobiles to the sugar company. Although by virtue of this agreement, the sugar company does not actually acquire a security interest in the automobile, it is the understanding of the workers that until they pay off their loan, the sugar company actually owns their automobiles. The in terrorem effect usually accomplishes its purpose. In addition to the car title, both companies also take a non-interest bearing promisory note, payable on demand. In agreeing to furnish labor to growers under contract to the sugar companies, both Great Western and American Crystal then require, as a condition to the placement of workers, that the grower assume the obligations owed by the worker to the sugar company. Unbeknown to the worker, therefore, at the end of this entire transaction, he is indebted primarily to the grower with whom he has been placed, although, as far as he knows, the loan was strictly between him and the sugar company. What usually happens as the next step is that the amount of the loan is then deducted by the grower from the worker's first paycheck. It is this particular part of the transaction which was the subject of Case No. 5. It was our contention that under the regulations promulgated by the Secretary of Agriculture pursuant to the Sugar Act of 1948, particularly 7 C.F.R. § 862.13, the farmer could not properly deduct the amount of this loan from the wages earned by the worker and still remain eligible to receive his sugar payments. A claim contesting the propriety of this deduction has been filed with the Otero County Agricultural Stabilization and Conservation Service Committee. There has not yet been a hearing on this particular case. For the account of a similar case, see summary of Case No. 6.

Case No. 6.—This case raises the same question discussed in Case No. 5, above, whether the indebtedness owed originally to the sugar company, then assumed by the grower, can be deducted from wages due the farm worker. In this case the ASCS Committee for Weld County agreed with our contention that under 7 C.F.R. § 862.13 this was an impermissible deduction. A representative of the Great Western Sugar Company was in attendance at the hearing and indicated to the law student arguing the case that the contractual arrangement set up by Great Western had never been challenged before. The decision of the Weld County ASCS Committee has been appealed, indications being that the appeal is being prosecuted by the Great Western Sugar Company.

Case No. 7.—The Great Western recruiter in Texas promised a farm worker that the home in which he would live while in Colorado would be in excellent condition, with running water. When the farm worker arrived in Colorado he found the home to be very dilapidated, without running water, and refused to live in it. Great Western then terminated his employment, telling him that he would have to return to Texas. In the meantime the farm worker found other work by going through the state employment service. A suit will be filed against Great Western Sugar Company for lost wages accruing during the nine day period in which the farm worker was unable to find other work.

Case No. 8.—A worker claimed that he was being paid less than a minimum wage established by the Secretary of Agriculture. A complaint has been filed with the ASCS Committee of Otero County.

There has been great difficulty this year, as in past years, with the distinction, if any, between two wage classifications established by the Secretary of Agriculture in 7 C.F.R. § 862.10, hoeing and hoe-trimming. The former, for which the worker receives a minimum of $15.50, involves removing weeds and excess beets with a hoe only. The latter, hoe-trimming, for which the worker receives a minimum of $18.75, involves removing weeds with a hoe and by hand and removing excess beets with a hoe only. The problem is that most workers, by custom, automatically use their hands for the first operation, unless told to do otherwise by the grower. Even where workers are told not to use their hands, growers are ordinarily dissatisfied with the work done unless hands are used. The result is that many workers are paid at the $15.50 rate when, in fact, they are entitled to receive the $18.75 rate. This was part of the problem involved in Case No. 8.

Case No. 9.—The grower in this case deducted from the farmer worker's paycheck an amount equal to the amount of damage allegedly done by the farm worker and his family to the grower's home. It was our contention that under 7 C.F.R. § 862.13, this was an impermissible deduction. The ASCS Committee for Weld County agreed, awarding the farm worker the amount deducted from his wages.

Case No. 10.—On one evening a group of young people living in the labor camp operated by the Gates Rubber Co., known as Big Creek Farms, caused about $300 damage to one of the large central buildings. People living in the camp refused to divulge the names of those who had caused the damage, with the result that the manager of the camp deducted $10 from the wages due each of the 30 families residing in the camp. The ASCS Committee for Yuma County ruled that these were improper deductions.

Case No. 11.—A sugar beet grower dissatisfied with the work done by the farm workers, witheld half the payment due them. The ASCS Committee for Weld County ruled that this was an improper deduction, but then went on to agree with the grower that, under the Sugar Act of 1948, the grower would not be required to pay the amount due until just prior to distribution of the sugar payments, in January. It is to be noted that under the Sugar Act of 1948 the worker is not guaranteed a minimum wage. His only protection lies in the fact that a grower who fails to pay in accordance with the minimum wage established by the Secretary of Agriculture will be ineligible to receive sugar payments under the Act. These payments are sufficiently desirable to insure the fact that any grower who is given reason to believe that he will lose his payments due to noncompliance with the established wage rate, will come into compliance in order to receive them. We have appealed the decision of the ASCS Committee to the extent that it indicates that this grower, appraised of the fact that his deduction is improper, may nevertheless be eligible to receive sugar payments so long as he pays the amount due at any time prior to receiving the payments. It is our contention that under 7 C.F.R. § 862.18, unless payment to the worker is made immediately, the grower will be ineligible to receive any of his sugar payment and nothing that he does between now and January will restore his eligibility. Thus far, the state ASCS Committee has not taken our appeal, indicating that it wishes more information before it will accept the case. Should the state committee persist in refusing to hear the case, claiming, apparently, that there was no decision adverse to us which we can appeal, we will then file suit in federal court against the Secretary of Agriculture for a declaratory judgment that, under the facts as stated, the grower is ineligible to receive his payments in January.

Case No. 12.—A worker was paid less than the minimum guaranteed by the Secretary of Agriculture and was also not paid at the hourly rate for weeding entirely by hand. It is our contention that under 7 C.F.R. 862.10(d) work not otherwise classified, such as weeding entirely by hand in a third weeding, is compensible at the hourly rate of $1.65. The case will be filed before the ASCS Committee for Weld County. The farmer has indicated that, should the ASCS Committee rule against him, he will refuse to pay until January.

Case No. 13.—A worker felt that he had been shorted on the acreage and was paid at a piece work rate for a third hoeing which yielded far below $1.65. During negotiations with the grower, an extremely unsatisfactory settlement was suggested to which the farm worker agreed because he was desperately in need of money, as his wife was in the hospital and he being without funds. The money was accepted but a claim was filed with the ASCS Committee for Boulder County on the grounds that the settlement was signed under duress and ought not to be binding. There has been no disposition of this case to date.

This case illustrates the problem facing many farm workers should they decide to prosecute a claim through the ASCS Committee. Although, ordinarily, a case will be head by an ASCS Committee within two to three weeks after the complaint has been filed, even this relatively short period can work a great hardship on a farm worker in desperate need of money. Furthermore, many workers do not wish to jeopardize their jobs and thus wait to file claims with ASCS until they have completed work. At that time, of course, they are ready to leave for Texas and are unavailable for the hearing.

Case No. 14.—For the third hoeing, a farm worker was paid at a piece work rate which yielded far less than $1.65 an hour. A claim will be filed with the ASCS Committee for the difference between that rate and $1.65 an hour, the rate to which the worker is entitled under 7 C.F.R. § 862.10(d). This farm worker, as countless others in the area, is in great fear of retaliation. Specifically, many workers feel that if they file complaints or make trouble they will be placed on a blacklist and will no longer be recruited by the sugar companies for work in Colorado. More immediately, workers who reside in houses supplied by the farmer are justifiably afraid that should they complain, not only will they loes their jobs, but their houses as well. Such is the case here, and the complaint therefore will not be filed until the work has been completed.

Case No. 15.—In 1968, the Gates Rubber Company began extensive irrigated farming in eastern Colorado in the Joes area. In the summer of 1968 workers were paid $20 an acre for thinning, the minimum for that operation at that time being $17.25, now $18.75. This past winter, when Great Western was recruiting workers for Gates for this summer, word was out that wages at the Gates operation were very high. Nothing was said by either Great Western or Gates indicating that wages would be less this year than they were last year, and when the people arrived they fully expected to receive high wages for their work. They were rather appalled to find out that this year Gates had employed mechanical thinners, thus permitting Gates to pay only $10 per acre for the first hand operation. A suit is being prepared for filing in district court against Great Western and Gates for the difference between $10 and $18.75, the latter rate being that to which we believe the workers are entitled in the absence of any notice to the contrary.

Case No. 16.—Here the worker claimed that he should be entitled to $15.50 per acre for the job done, although the farmer claimed that he had used a mechanical thinner, thus entitling him to pay merely $10 an acre. The case was heard by the Montrose County ASCS Committee, although their decision has not yet been announced.

Case No. 17.—A couple of boys had a wage claim of $10.95 for work done in onions. Suit was filed in county court and later settled at $10.95. This was a rather hollow victory since filing fees and other costs, advanced by another agency, exceeded the $10.95 recovered as settlement.

Case No. 18.—A grower ran off a family at gun point, not letting them finish their work. A complaint will be filed in county court for lost wages and for assault.

Case No. 19.—A complaint will be filed in County Court for wages due for work in pickles.

Cases No. 20 and 21.—Both of these cases involve efforts to have the United States Department of Labor, Bureau of Employment Security, investigate violations of the Crew Leader Registration Act of 1963. 7 U.S.C. §§ 2041–2053. These will be discussed in more detail below.

Case No. 22.—We have here challenged the validity of 7 C.F.R. § 862.15, permitting payment of workers through crew leaders. Under this section, a farmer will be eligible to receive his sugar payments if he can establish that the workers have authorized their crew leader to receive payments for them and that he, the grower, has paid to the crew leader the minimum required by the Secretary of Agriculture. There is no further requirement that the grower be able to prove that the workers actually received the minimum wage. In this case four minor boys received less than the minimum wage while working for a crew leader, although the farmer was able to establish that in fact he had paid the minimum to the crew leader. It was our contention in the hearing held before the Otero County ASCS Committee that the authorization was initially invalid because the minors lacked the capacity to authorize the crew leader to receive wages for them. It was our further contention that, even if the authorization should be otherwise valid, the section was invalid as being inconsistent with the Sugar Act of 1948. This will be discussed further with reference to Case No. 25 below. Another issue raised in this case was whether the workers should be entitled to a higher wage rate on account of the fact that, according to them, they had been instructed to use their hands.

Case No. 23.—The Fort Lupton Labor Camp, operated by the Weld County Housing Authority, is the largest migrant labor camp in the state, housing 202 families. Rent for each of these units is $6 per week; but, in early June, rumors in the camp were that the rent was to be raised to $8 per unit on July 1. Migrant leaders living within the camp wished to do something to protest the expected rise in rent and sought our advice in this regard. We suggested that, since the camp was not in compliance with the state Sanitary Standards and Regulations for Labor Camps promulgated by the Colorado State Board of Health, the residents of the camp could properly withhold payment until such time as the camp was brought into compliance. We explained that this was a relatively new and untried legal theory, but one worth testing. We further explained that the success or failure of the proposed rent strike would depend, not on legal theory but on the ability of the camp leaders to bring all of the camp residents together to act as a united body. We explained that if the residents wished to go ahead with a rent strike, rent should be collected and put into an escrow account. Organization of the camp was effected by these leaders and, as a step in the planned rent strike, residents of the camp filed complaints with the State Health Department, specifying violations of the state Sanitary Standards and Regulations for Labor Camps. These complaints were filed on June 18. At that time it was learned that the Health Department, itself, had, on June 16, sent a thirty day letter to the Weld County Housing Authority demanding compliance with the health standards. Also on June 18, a group of the residents of the Fort Lupton Labor Camp held a peaceful demonstration in front of the camp manager's office and presented to him a list of demands. Copies of both the complaints filed with the Health Department and the list of demands are attached to the complaint entitled *Valenzuela v. Weld County Housing Authority*, which I will make a part of the record at a later time.

On June 20, a mimeographed notice was passed out in the camp to some of the residents stating that the labor camp would be closed on July 1, 16 days before the Health Department had required compliance. Following June 20, there were various meetings held for the purpose of attempting to raise sufficient revenue to keep the camp open. By June 26, however, although much had been said about wanting to keep the camp open, nothing had actually been done in that direction. It was on June 26, therefore, that suit was filed in federal district court claiming that the motive for closing the camp was to retaliate against those residents who had filed complaints with the Health Department and who had made demands upon the camp manager. I would like at this time to make a copy of the complaint filed in this case a part of the record of these hearings. Following the filing of the complaint, a stipulation was reached with the Weld County Housing Authority to keep the camp open until a final disposition of the case. Thus far the camp has remained open and neither side has been particularly anxious to set a date for a hearing. In all likelihood, with the expiration of the summer, the complaint will be withdrawn.

Case No. 24.—The Agricultural Stabilization and Conservation Service Committees before which all wage disputes between farm workers and growers must be heard and determined, must necessarily, by federal statute, be composed entirely of farmers. Moreover, these farmers serving on the committee are selected entirely by other farmers. On July 31, suit was filed in federal district court against the Secretary of Agriculture, asking that a three-judge court declare the composition of the ASCS Committees to be unconstitutional. A copy of the complaint in that case, entitled *Salazar v. Hardin*, No. C-1616, is submitted to be made part of the record of these hearings.

Case No. 25.—As discussed above in Case No. 22, under 7 C.F.R. §862.15, a producer of sugar beets will be eligible to receive his sugar payments if he is able to show that workers have authorized a crew leader to accept payment for them and that he, the producer, has paid to the crew leader the minimum required by the Secretary of Agriculture. It is our contention that to the extent that this permits a producer to remain eligible to receive sugar payments in cases in which the workers themselves *received* less than the minimum as the result of fraud on the part of crew leaders, the regulation is inconsistent with the language and the purpose of the Sugar Act of 1948, and is therefore invalid and void. On July 31, suit was filed in federal district court asking that such a declaratory judgment be issued. This suit is also entitled Salazar v. Hardin, No. C-1617, a copy of the complaint in which is hereby made a part of the record of these hearings.

Case No. 26.—Thus far we have had only one case involving the Fair Labor Standards Act, 29 U.S.C. §201, et seq., and this case did not involve the 1966 amendment including farm labor. I have included it in this case summary because

I anticipate that the cooperation received from the United States Department of Labor, Wage and Hour and Public Contracts Division, in this case would also be duplicated in cases involving farm labor. The department has undertaken an investigation in this case and will notify us if it decides to institute litigation for back wages. One of the obvious failings of the Fair Labor Standards Act as applied to farm labor is the 500 man day requirement for coverage. Almost none of the farmers using migrant labor use a sufficiently large amount of labor to come under the provisions of the Fair Labor Standards Act. Although most of the crew leaders are covered by the Fair Labor Standards Act, it is almost impossible to locate people who are willing to file complaints against their crew leaders.

I have not included in the case summary any of the many cases handled by our students that do not relate to the farm worker's legal problems as a farm worker. As mentioned earlier, all criminal cases have been excluded, as well as many consumer cases handled by our students and actions of a less formal nature, as, for instance, making phone calls to welfare departments in efforts to have food stamp certification and sales done on a more frequent basis and at places closer to the migrants. Our students have also cooperated extensively with the State Department of Health in helping people fill out and file housing complaints.

It is my belief that our program this summer has, to date, been extremely successful. I believe that law students are ideally suited to providing legal services to migrant farm workers. First, the seasonal nature of the case load militates against the hiring of full time attorneys based in any one place. Second, the peak period for use of migrant farm workers in most areas coincides with the student vacation period. Third, even in states where limited court appearances are not possible, much of the legal work to be done on behalf of farm workers is before administrative agencies where students may appear. Fourth, in order for a legal services program serving farm workers to be effective, the attorneys must be prepared to live and work in areas of farm worker concentration. Most of our students this summer did live out in the countryside, many of them moving from one section of the state to another as the work on one crop ended and, on another began. Experience has also shown that a full year legal services program concentrates its efforts on the permanent population and many legal services programs operating in areas of migrant concentration have little or no familiarity with the laws pertaining to agricultural labor. For that reason, a team of law students especially trained in this area of law can provide a very valuable complement to existing legal services. One very important caveat to the use of law students in a project such as this is that there be assurance of a carry-over after the summer; that is, that there be someone or some agency who is able to continue cases begun during the summer but still pending in the fall. In the case of our program, Colorado Rural Legal Services, Inc., will take over any cases still pending at the termination of this project in late August.

I think that the educational value to the students is beyond question. Everyone of the students participating in this summer's program feels that this has been the most valuable experience of their educational career thus far. The University of Colorado School of Law has agreed to give two hours academic credit on a pass-fail basis for this summer's work. In addition to the field work, a seminar length paper will also be required, which, of course, will not be due until sometime in the fall.

I believe that the case summary adequately points up the defects of the regulations promulgated under the Sugar Act of 1948. Basically, the Sugar Act, properly administered, provides a fairly good model that might be used with other crops. The fear of losing sugar payments is such that compliance with the wage rate established by the Secretary of Agriculture is fairly good. I would like at this point to discuss some of the other problems relating to farm workers which have not been adequately brought out in the discussion of the cases above.

The initial problem facing farm workers when they come to Colorado is that of housing. The condition of housing in this state is, I imagine, similar to that of other areas—ranging from tolerable to abysmal, with most at the latter end of the spectrum. The health department of the state of Colorado has adopted very fine standards regulating the condition of migrant farm housing. The standards, however, as is also true of the federal standards, are joke. For example, the standards require, under certain circumstances, that farmers provide toilet facilities in the fields. I have traveled extensively in the state this summer and have yet to see one of these facilities. In all fairness, I must concede that I have been told that there is a toilet in the Arkansas Valley. The problem, as is true of virtually all the laws passed for the protection of migrant farm workers, is lack of enforcement. Either there is no enforcement or what enforcement there it is ineffective. In Colorado there are two and one half full time employees of the State Department of Health whose job it is to enforce the regulations relating to migrant farm housing.

In addition to our own state regulations pertaining to migrant farm housing, there is, of course, the Wagner-Peyser Act, 29 U.S.C. § 49, which purportedly regulates migrant farm housing on the federal level. Supposedly, the state employment service is not permitted to place a work order for a grower whose housing does not meet federal housing standards, or, in the case of Colorado, the standards adopted by the State Department of Health. This is also is a joke. Initially, when the grower places his work order, he self-certifies his housing as being in compliance with the state's health standards. Prior to the actual placement of workers, so the state employment service maintains, there is an actual inspection of the house. If there are inspections in these cases, they are meaningless gestures. I have yet to see any on-farm housing which is in full compliance with the state's health standards.

The answer to the problem of adequate housing for farm workers does not, it seems to me, lie in trying to beef up existing regulatory legislation. One must heed the cry of the farmers that they cannot afford to provide housing on a short term basis which would meet the minimal standards of human decency. Either the farmers themselves, through cooperative efforts, or government agencies, must either build new housing or develop new ideas for the providing of housing, such, for example, as providing farm workers with mobile homes.

Another recurring problem is that of the crew leader, touched upon briefly above. Although only a relatively small percentage of the farm workers in the state of Colorado are employed through crew leaders, they are the most disadvantaged group and in need of the greatest government protection. The crew leader registration act of 1963, 7 U.S.C. §§ 2041–2053, has been extremely ineffective. Not only does the United States Department of Labor, Bureau of Employment Security, do no investigating whatever on its own, it has been extremely reluctant to respond to well documented complaints of violations of this act. In Colorado, Peter Kiel, employed by the United States Department of Labor to oversee compliance of the Crew Leader Registration Act, has done virtually nothing about complaints that have been filed with him by our law students. I was informed yesterday by one of our students that Mr. Kiel had assured us that investigations are presently being conducted. I will believe it when I see it.

One other problem which seems to be much worse this year than in past years is the great number of "wetbacks" in the state competing with our own workers for scarce jobs. They are knowingly and eagerly employed by growers and governmental officials are conveniently ignorant of what is going on under their bureaucratic noses.

Almost all of the state and federal laws relating to agricultural labor were passed with the design of protecting farm workers against abuses from which they were unable to protect themselves. This, of course, is because farm workers have no power, either economic or political. There is one law, which, if amended, might permit farm workers to realize the power necessary to make all of the other laws passed for their protection unnecessary. The law to which I refer is, of course, the National Labor Relations Act. You have heard people speak of this countless times and I will not dwell on it.

I would like to conclude by saying that I am here not only to plead for the farm worker, but also to plead for the continuation of a system which is supposed to respond to the justifiable needs of its citizens. Farm workers are beginning to learn that there have been laws passed for their protection, and, at the same time that they learn that these laws exist, they also learn that they are not enforced. Moreover, they travel through this country's affluence and continue to live in the same poverty that they have lived in for years and that their parents lived through for years before them. The result of all this is the same kind of frustration which has erupted in riots in the cities. Thus far, the countryside has been relatively calm. That time is drawing to an end unless a committee such as yours responds meaningfully to the just demands of America's forgotten people, the migrant farm worker.

Mr. Chase. Three years ago, while teaching at the University of Colorado School of Law, I spent the summer in an effort to learn of the life of the migrant farmworker in Colorado. During the first 3 weeks of that summer I worked in sugar beet fields and lived in labor camps in two different parts of the State. During the remainder of the summer I traveled around the rest of the State, speaking with people and observing conditions relating to farmworkers. That summer resulted in an article published in the Colorado Law Review, which I would like to make a part of this record.

I have maintained my interest in the problem of the farmworker in the State of Colorado and this summer am supervising a VISTA education in action program operating through the University of Colorado School of Law. I would also like to make a copy of the proposal for that program part of this record.

The purpose of this VISTA program is to provide legal services to migrant farmworkers, particularly with regard to their legal problems as farmworkers. In order to accomplish this objective, 11 law students from the University of Colorado, two from the University of Iowa, one from the University of Michigan, and one from Denver University are working in conjunction with the University of Colorado School of Law's legal aid and defender program in two parts of the State of Colorado—northeastern Colorado and the Arkansas Valley.

By legislation and court rule in the State of Colorado, our law students associated with the legal aid and defender program are permitted, under certain circumstances, to appear in the courts of this State. These students are living among the farmworkers, utilizing outreach workers employed by other Government and charitable institutions in these areas, in an effort to bring legal services for the first time to these forgotten people.

I would like to relate a few of the cases we have handled. I will omit some I have in my statement here. In Colorado there are customarily two hand operations involved in the production of sugar beets. The first is the thinning and first weeding, and the second is what is referred to as the hoeing, a second weeding operation. In some instances a third weeding operation is also required.

Up until this year there was very little mechanical thinning utilized in this State. This has changed rather drastically, however, this summer with the result that many workers no longer thin as a first operation, but merely weed.

As you are probably aware, wage rates for the production of sugar beets are established by the U.S. Secretary of Agriculture pursuant to the Federal Sugar Act of 1948, 7 U.S.C. 1100–1161. If a worker feels that he has not been paid according to the rate established by the Secretary of Agriculture, he then files a wage claim before the county agricultural stabilization and conservation service committee. An appeal may be taken to the state ASCS committee, and from there to the Deputy Administrator, State and county operations, Agricultural Stabilization and Conservation Service.

I believe that is sufficient background to understand the cases to be discussed below. I can elaborate further as this becomes necessary.

I would like to be specific about the Federal Sugar Act, if I can.

Generally workers understand that if they do the thinning and first weeding, they will then be able to do the second weeding operation. In this case, after the workers completed the thinning and first weeding, however, the farmer refused to let them do the second operation.

We have filed in county court, claiming lost wages of $10 per acre—the minimum rate for that operation, as established by the Secretary of Agriculture. We have had many cases such as this, in most of which there was no express agreement between the grower and the worker that after the firsthand operation the worker would be able to do the second.

It is, however, certainly the understanding of the workers that this will be the case. With this expectation, many workers will do a very careful job on the first operation, earning relatively little money at that time, knowing that their care at this time will be rewarded by the ease at which they will be able to complete the second operation.

Farmers have been known to take advantage of this by firing the crew after the first operation and bringing in another crew for the second operation, paying the second crew at the hourly rate, $1.65 an hour, as opposed to the piecework rate of $10 per acre. There has been no disposition of this case to date.

I might add that in the county court proceedings which have been brought by our law students, we have proceeded in forma pauperis, thus avoiding court costs.

I would propose that the regulation be required to, in addition to paying the wage agreed upon, that the full contract be performed and that the terms of this contract be in writing at the time of approval, prior to beginning to work, and the rate to be paid at each operation. To avoid this problem, we have no recourse but to sue in county court instead of being able to go through administrative proceedings.

I will skip over to case No. 7.

The Great Western recruiter in Texas promised a farmworker that the home in which he would live while in Colorado would be in excellent condition, with running water. When the farmworker arrived in Colorado, he found the home to be very dilapidated, without running water, and refused to live in it.

Great Western then terminated his employment, telling him that he would have to return to Texas. In the meantime the farmworker found other work by going through the State employment service.

A suit will be filed against Great Western Sugar Co. for lost wages accruing during the 9-day period in which the farmworker was unable to find other work.

I mention this case because it involves the corporate processor. Great Western Sugar and Holly Sugar disclaim all responsibility for the farmworker. They claim that they are not the employer, that they merely bring him up to Colorado and then it is the sole responsibility of the farmer.

We will soon be bringing suit probably in State court to establish that particularly the Great Western Sugar Co. as the recruiter and as a person who is supplying the money to bring the people up, to supply the money to bring the people down and whose field representative supervises their work during the summer, are employers for the purpose of the Fair Labor Standards Act, and we will be suing for a minimum of $1.30 an hour.

This becomes important because even in sugar beets where there is minimum required by the Secretary of Agriculture, workers in many instances make as little as 50 cents an hour working at minimum rate, which raises another problem and that problem is that under the Sugar Act itself, we feel that the Secretary of Agriculture should establish for beet workers as well as cane workers an hourly minimum.

Senator MONDALE. What is the hourly rate for cane workers?

Mr. CHASE. I believe it is $1.65 an hour.

Senator MONDALE. There is no hourly rate established for beets?

Mr. CHASE. No. It is an alternative rate. It is either the piece rate or the hourly rate, but there is no requirement that it be at least the hourly rate as there is with cane.

I don't know why there is a difference between cane and beet except perhaps the production is sufficiently different to allow for that.

Case No. 8.—A worker claimed that he was being paid less than a minimum wage established by the Secretary of Agriculture. A complaint has been filed with the ASCS Committee of Otero County.

There has been great difficulty this year, as in past years, with the distinction, if any, between two wage classifications established by the Secretary of Agriculture in 7 C.F.R. section 862.10, hoeing and hoe-trimming. The former, for which the worker receives a minimum of $15.50, involves removing weeds and excess beets with a hoe only.

The latter, hoe-trimming, for which the worker receives a minimum of $18.75, involves removing weeds with a hoe and by hand and removing excess beets with a hoe only. The problem is that most workers, by custom, automatically use their hands for the first operation, unless told to do otherwise by the grower. Even where workers are told not to use their hands, growers are ordinarily dissatisfied with the work done unless hands are used.

The result is that many workers are paid at the $15.50 rate when, in fact, they are entitled to receive the $18.75 rate. This was part of the problem involved in case No. 8.

We have had a lot of cases like this.

Case No. 11: A sugar beet grower dissatisfied with the work done by the farmworkers, withheld half the payment due them. The ASCS Committee for Weld County ruled that this was an improper deduction, but then went on to agree with the grower that, under the Sugar Act of 1948, the grower would not be required to pay the amount due until just prior to distribution of the sugar payments, in January.

It is to be noted that under the Sugar Act of 1948 the worker is not guaranteed a minimum wage. His only protection lies in the fact that a grower who fails to pay in accordance with the minimum wage established by the Secretary of Agriculture will be ineligible to receive sugar payments under the act. These payments are sufficiently desirable to insure the fact that any grower who is given reason to believe that he will lose his payments due to noncompliance with the established wage rate, will come into compliance in order to receive them.

We have appealed the decision of the ASCS committee to the extent that it indicates that this grower, apprised of the fact that his deduction is improper, may nevertheless be eligible to receive sugar payments so long as he pays the amount due at any time prior to receiving the payments.

It is our contention that under 7 C.F.R. section 862.18, unless payment to the worker is made immediately, the grower will be ineligible to receive any of his sugar payment and nothing that he does between now and January will restore his eligibility.

Thus far, the State ASCS committee has not taken our appeal, indicating that it wishes more information before it will accept the case. Should the State committee persist in refusing to hear the case, claiming, apparently, that there was no decision adverse to us which we can appeal, we will then file suit in Federal court against the Secretary of Agriculture for a declaratory judgment that, under the facts as stated, the grower is ineligible to receive his payments in January.

Case No. 12.—A worker was paid less than the minimum guaranteed by the Secretary of Agriculture and was also not paid at the hourly rate for weeding entirely by hand. It is our contention that under 7 CFR 862.10(d) work not otherwise classified, such as weeding entirely by hand in a third weeding, is compensable at the hourly rate of $1.65.

The case will be filed before the ASCS committee for Weld County. The farmer has indicated that, should the ASCS committee rule against him, he will refuse to pay until January.

This raises another problem that the regulations are extremely vague as to when workers are entitled to $1.60 an hour for unclassified jobs. There are two sections of those regulations which appear to be inconsistent and nobody at this time seems to know which one applies to what, so we will probably know fairly soon after ASCS on the complaint.

Case No. 13.—A worker felt that he had been shorted on the acreage and was paid at a piecework rate for a third hoeing which yielded far below $1.65. During negotiations with the grower, an extremely unsatisfactory settlement was suggested to which the farmworker agreed because he was desperately in need of money, as his wife was in the hospital and he being without funds. The money was accepted but a claim was filed with the ASCS committee for Boulder County on the grounds that the settlement was signed under duress and ought not to be binding.

There has been no disposition of this case to date.

This raises yet another problem in that these workers are desperate financially and if they are required to have to agree to any kind of settlement, they will—and if these things are binding, they could be precluded from asserting their rights before the proper committees.

Case No. 14.—For the third hoeing, a farmworker was paid at a piecework rate which yielded far less than $1.65 an hour. A claim will be filed with the ASCS committee for the difference between that rate and $1.65 an hour, the rate to which the worker is entitled under 7 CFR 862.10(d).

This farmworker, as countless others in the area, is in great fear of retaliation. Specifically, many workers feel that if they file complaints or make trouble, they will be placed on a blacklist and will no longer be recruited by the sugar companies for work in Colorado.

More immediately, workers who reside in houses supplied by the farmer are justifiably afraid that, should they complain, not only will they lose their jobs, but their houses as well. Such is the case here, and the complaint therefore will not be filed until the work has been completed.

We heard this over and over again of farmworkers afraid of blacklisting. Whether or not this blacklisting goes on, I don't know at this time.

Case No. 15.—In 1968 the Gates Rubber Co. began extensive irrigated farming in eastern Colorado in the Joes area. In the summer of 1968 workers were paid $20 an acre for thinning, the minimum for that operation at that time being $17.25, now $18.75.

This past winter, when Great Western was recruiting workers for Gates for this summer, word was out that wages at the Gates operation were very high. Nothing was said by either Great Western or Gates indicating that wages would be less this year than they were last year, and when the people arrived, they fully expected to receive high wages for their work. They were rather appalled to find out that this year Gates had employed mechanical thinners, thus permitting Gates to pay only $10 an acre for the firsthand operation.

A suit is being prepared for filing in district court between Great Western and Gates for the difference between $10 and $18.75, the latter rate being that to which we believe the workers are entitled in the absence of any notice to the contrary.

Case No. 16.—Here the worker claimed that he should be entitled to $15.50 per acre for the job done, although the farmer claimed that he had used a mechanical thinner, thus entitling him to pay merely $10 an acre. The case was heard by the Montrose County ASCS Committee, although their decision has not yet been announced.

Case No. 17.—A couple of boys had a wage claim of $10.95 for work done in onions. Suit was filed in county court and later settled at $10.95. This was a rather hollow victory since filing fees and other costs, advanced by another agency, exceeded the $10.95 recovered as settlement.

Case No. 18.—A grower ran off a family at gunpoint, not letting them finish their work. A complaint will be filed in county court for lost wages and for assault.

Case No. 19.—A complaint will be filed in county court for wages due for work in pickles.

Cases No. 20 and No. 21.—Both of these cases involve efforts to have the U.S. Department of Labor, Bureau of Employment Security, investigate violations of the Crew Leader Registration Act of 1963, 7 U.S.C. 2041–2053. These will be discussed in more detail below.

Case No. 22.—We have here challenged the validity of 7 CFR 862.15, permitting payment of workers through crewleaders. Under this section a farmer will be eligible to receive his sugar payments if he can establish that the workers have authorized their crewleader to receive payments for them and that he, the grower, has paid to the crewleader the minimum required by the Secretary of Agriculture. There is no further requirement that the grower be able to prove that the workers actually received the minimum wage.

In this case four minor boys received less than the minimum wage while working for a crewleader, although the farmer was able to establish that, in fact, he had paid the minimum to the crewleader.

It was our contention in the hearing held before the Otero County ASCS committee that the authorization was initially invalid because the minors lacked the capacity to authorize the crewleader to receive wages for them. It was our further contention that, even if the authorization should be otherwise valid, the section was invalid as being inconsistent with the Sugar Act of 1948.

This will be discussed further with reference to case No. 25 below. Another issue raised in this case was whether the workers should be entitled to a higher wage rate on account of the fact that according to them, they had been instructed to use their hands.

Case No. 23.—The Fort Lupton Labor Camp, operated by the Weld County Housing Authority, is the largest migrant labor camp in the State, housing 202 families. Rent for each of these units is $6 per week, but in early June rumors in the camp were that the rent was to be raised to $8 per unit on July 1.

Migrant leaders living within the camp wished to do something to protest the expected rise in rent and sought our advice in this regard. We suggested that, since the camp was not in compliance with the State sanitary standards and regulations for labor camps promulgated by the Colorado State Board of Health, the residents of the camp could properly withhold payment until such time as the camp was brought into compliance.

We explained that this was a relatively new and untried legal theory, but one worth testing. We further explained that the success or failure of the proposed rent strike would depend not on legal theory, but on the ability of the camp leaders to bring all of the camp residents together to act as a united body. We explained that if the residents wished to go ahead with a rent strike, rent should be collected and put into an escrow account.

Organization of the camp was effected by these leaders and, as a step in the planned rent strike, residents of the camp filed complaints with the State health department, specifying violations of the State sanitary standards and regulations for labor camps. These complaints were filed on June 18. At that time it was learned that the health department itself had, on June 16, sent a 30-day letter to the Weld County Housing Authority, demanding compliance with the health standards.

Also on June 18, a group of the residents of the Fort Lupton Labor Camp held a peaceful demonstration in front of the camp manager's office and presented to him a list of demands. Copies of both the complaints filed with the health department and the list of demands are attached to the complaint entitled *Valenzuela* v. *Weld County Housing Authority*, which I will make a part of the record at a later time.

On June 20 a mimeographed notice was passed out in the camp to some of the residents stating that the labor camp would be closed on July 1, 16 days before the health department had required compliance. Following June 20, there were various meetings held for the purpose of attempting to raise sufficient revenue to keep the camp open.

By June 26, however, although much had been said about wanting to keep the camp open, nothing had actually been done in that direction. It was on June 26, therefore, that suit was filed in Federal district court claiming that the motive for closing the camp was to retaliate against those resident who had filed complaints with the health department and who had made demands upon the camp manager.

I would like at this time to make a copy of the complaint filed in this case a part of the record of these hearings.

Senator MONDALE. We will include these papers at the conclusion of your remarks.

Mr. CHASE. Fine.

Following the filing of the complaint, a stipulation was reached with the Weld County Housing Authority to keep the camp open until a final disposition of the case. Thus far the camp has remained open and neither side has been particularly anxious to set a date for a hearing. In all likelihood, with the expiration of the summer, the complaint will be withdrawn.

The rent strike has been going on. The people have not paid rent all summer long and the last I heard, no one was being evicted, although the lawyer got back from vacation and I am fearful that something might be going on back in Colorado.

Case No. 24.—The Agricultural Stabilization and Conservation Service Committees before which all wage disputes between farmworkers and growers must be heard and determined, must necessarily, by Federal statute, be composed entirely of farmers. Moreover, these farmers serving on the committee are selected entirely by other farmers.

On July 31, suit was filed in Federal district court against the Secretay of Agriculture, asking that a three-judge court declare the composition of the ASCS committees to be unconstitutional.

A copy of the complaint in that case, entitled *Salazar* v. *Hardin*, No. C–1616, is submitted to be made part of the record of these hearings.

Case No. 25.—As discussed above in case No. 22, under 7 CFR 862.15, a producer of sugar beets will be eligible to receive his sugar payments if he is able to show that workers have authorized a crew leader to accept payment for them and that he, the producer, has paid to the crew leader the minimum required by the Secretary of Agriculture.

It is our contention that to the extent that this permits a producer to remain eligible to receive sugar payments in cases in which the workers themselves received less than the minimum as the result of fraud on the part of crew leaders, the regulation is inconsistent with the language and the purpose of the Sugar Act of 1948, and is therefore invalid and void.

On July 31 suit was filed in Federal district court asking that such a declaratory judgment be issued. This suit is also entitled *Salazar* v. *Hardin*, No. C–1617, a copy of the complaint of which is hereby made a part of the record of these hearings.

I would like to mention a few of the efforts we have made to have the regulation changed. We have documented on various occasions of the crew leader skimming money off the top. I can relate a personal experience that irritated me because it happened to me.

I worked for a crew leader and was earning 60 cents a row doing sugar beets. Finally I went back to speak to the farmer 2 months after the work ceased and found out the crew leader was paid $1 a row in addition for overseeing our work.

This is very, very common. In my own particular case, that turned out to be less than the minimum required by the Secretary of Agriculture. We didn't know it because we weren't told how many rows there were to the acre and, therefore, couldn't figure out if we were getting the minimum per acre.

This is the common thing crew leaders will do or they will lie to the workers about the acreage.

In 1967, October, I testified before Secretary Freeman in El Paso at the interagency hearings, and I related this incident to Secretary Freeman and he expressed great shock and horror to learn that crew leaders indeed might be less than honest with their workers. I remember he asked, "Was this generally true or was the experience you related some unique instance?"

Persons from the audience said it happened throughout the Southwest and I am sure it is working anywhere there are crew leaders and migrant farmworkers. At that time Secretary Freeman vowed that something would be done from the very top to correct these abuses.

In December of that year I again testified at an annual sugar hearing, and we again talked about these abuses and even went to the point of explaining that it is the farmworkers' own self-interest that the workers receive whatever the farmer is paying, because if we are going to do a 60-cent job, he might as well get $1 a job if that is what he was paying.

The farmers agreed that although it was some inconvenience to them to have to make out several different checks, they would be willing to have the requirement that all workers be paid directly and money not pass through the hands of the crew leaders.

Yet the regulations came out for the year 1969 with the same kind of thing, permitting payment through crew leaders. People from the migratory research project here in Washington testified last year at the hearings, asking for the same thing and again the regulations in 1969 permit payment through crew leaders.

We are suing in court and perhaps will win, but if we don't win, perhaps it seems to me that the Secretary of Agriculture could adopt regulations which would curtail these terrible abuses by crew leaders. They go on all the time.

Senator MONDALE. They show the ability at the Department of Agriculture to do certain things they want to do. I see they have got a new golf course going up in Mississippi that violates civil rights statutes, but somehow they managed to get around those regulations. You would think they would be ingenious enough to figure this one out.

Mr. CHASE. You would think so. I would like to mention something about the Crew Leader Registration Act.

We haven't had much experience with it because unfortunately it doesn't apply very often and Mr. Foster has already related the 500-man-day requirement as something that makes its meaningless.

We may have some experience with it as we get into some large vegetable production that is beginning now in Colorado. I am hopeful that the Department of Labor, upon filing of complaints by us, will investigate. They have in one case we filed so far, which was a nonfarm case. Unfortunately the Wage and Hour Division does not do any of its own investigating in the farm areas.

This is absolutely essential because people again are afraid to file complaints.

I will mention a word about our program this summer, because I think it may be more in terms of how legal services can be provided to farmworkers.

It is my belief that our program this summer has, to date, been extremely successful.

Senator MONDALE. Was there OEO funding of that program, or are they volunteers?

Mr. CHASE. We are funded by VISTA associate lawyers. They are all law students. I believe the law students are ideally suited for providing service to migrant farmworkers.

First, the seasonal nature of the caseload militates against the hiring of full-time attorneys based in any one place.

Second, the peak period for use of migrant farmworkers in most areas coincides with the student vacation period.

Third, even in States where limited court appearances are not possible, much of the legal work to be done on behalf of farmworkers is before administrative agencies where students may appear.

Fourth, in order for a legal services program serving farmworkers to be effective, the attorneys must be prepared to live and work in areas of farmworker concentration.

Most of our students this summer did live out in the countryside, many of them moving from one section of the State to another as the work on one crop ended and on another began. Experience has also shown that a full-year legal services program concentrates its efforts on the permanent population and many legal services programs operating in areas of migrant concentration have little or no familiarity with the laws pertaining to agricultural labor. For that reason, a team of law students especially trained in this area of law can provide a very valuable complement to existing legal services.

One very important caveat to the use of law students in a project such as this is that there be assurance of a carryover after the summer; that is, that there be someone or some agency who is able to continue cases begun during the summer, but still pending in the fall.

In the case of our program, Colorado Rural Legal Services, Inc., will take over any cases still pending at the termination of this project in late August.

I think that the educational value to the students is beyond question. Every one of the students participating in this summer's program feels that this has been the most valuable experience of their educational career thus far. The University of Colorado School of Law has agreed to give 2 hours academic credit on a pass-fail basis for this summer's work.

In addition to the fieldwork, a seminar-length paper will also be required, which, of course, will not be due until sometime in the fall.

Senator MONDALE. What year in law school are your volunteers?

Mr. CHASE. We have 10 that have finished first year and five that have finished second year.

Senator MONDALE. Are they all out in the field a good bit of the time?

Mr. CHASE. Yes, they are.

Senator MONDALE. And under VISTA their transportation costs are paid?

Mr. CHASE. That is a bit of a problem. VISTA's budget unfortunately is not large enough to adequately provide for travel.

Senator MONDALE. Are they working in the field themselves?

Mr. CHASE. Most of them have one time or another gone out with a family working in the field. We try to set that up during training, but unfortunately it rained all week. So they were trained in a lab or camp during training sessions.

Senator MONDALE. Have you met any resistance from the power structure, or efforts to cut off or end the program?

Mr. CHASE. We haven't met resistance that we expected at the outset. We have gotten along very well with the attorneys and judges in the area. Our students can only go before county court judges or in discussion with the judges, and no one has been kicked out of court yet.

We have been called "outside agitators" many times.

Senator MONDALE. You confidently believe you can carry on the program in the future?

Mr. CHASE. Yes.

Senator MONDALE. There is nothing at this point that would cause any jeopardy? There is not a lot of money involved, is there?

Mr. CHASE. No, the entire program cost $15,000 for the summer. So it is a relatively inexpensive way, I think, to provide effective mobile legal services to farmworkers.

Senator MONDALE. How many migrants are in Colorado at the peak time?

Mr. CHASE. I would estimate we must have, including the families of the migrants, probably 30,000 at the peak.

Senator MONDALE. Do you see any difference in the attitude of the Sugar Act administrators, health and sanitation officials or others, that are fearful that they might be the object of a lawsuit or legal proceedings, knowing that your program is underway?

Mr. CHASE. The health people have always been fairly good. There just weren't enough of them. The sugar people, I really can't say that we have gotten anybody to do things institutionally for fear of lawsuits that they didn't otherwise do. As a matter of fact, we have perhaps built up some resistance going before the county committees.

They sort of think of us as troublemakers whereas they might, had the farmworker filed a complaint, given him a hearing. With us, they want to teach the people a lesson not to go around messing with the outside troublemaker.

Senator MONDALE. Is it your legal judgment that some of those lawsuits are winable?

Mr. CHASE. Yes; we have actually done fairly well before these committees on questions of interpretation of regulations. We have lost all cases involving issues in cases which may or may not have something to do with it, where the committees are made up solely of farmers. But I think these are cases that ought to be won by some other tribunal.

But we are not winning the fact cases. Let me mention two other factors.

The Crew Leader Registration Act is not enforced at all in the State of Colorado. I suppose it is not elsewhere either. We have filed complaints on two separate occasions with a man, Peter Kiel, who was employed by the Department of Labor of the State of Colorado to oversee compliance with Crew Leader Registration Act, and we have had no response from him to date.

We have been informed he has undertaken some sort of investigation in the eastern part of the State.

One other problem which seems to be much worse than in past years is a great number of wetbacks in the State competing with our own workers for scarce jobs.

They are knowingly and eagerly employed by growers and governmental officials are conveniently ignorant of what is going on under their noses.

I would like to mention one other thing about the National Labor Relations Act. I recounted to you a specific instance involving an aborted strike in Colorado. North of Denver there is a large greenhouse operation called Kitayama. He must employ 120 workers during peak periods and a year ago last summer they went out on strike.

Prior to going out on strike, the organizers were fired. When they did go out on strike, demands were met as to workers that were still remaining in the plant and both initial firings and meeting of demands would have constituted unfair labor practices under the act.

Furthermore, even though the majority of people in the plant did not go out on strike, most of the people in the plant would have voted for election and the fact that they are precluded from having an election, they effectively precluded the opportunity for them to have an effective union.

One of the things that we hope to do with Colorado Rural Legal Services is contest the constitutionality of the exclusion of farmworkers from State and Federal labor regulations.

Senator MONDALE. Is it likely that you will win a suit like that? I was once a lawyer myself.

Mr. CHASE. I can't say that it is likely. I think it is a case worth bringing. I think what has been happening under equal protection clauses is a growing recognition that when fundamental rights are being impaired by classification. there must be some compelling instance to justify these exclusions. Of course, the issue would be whether or not this is purely economic regulation permitting one step at a time or are we dealing here with fundamental rights, the rights of workers to earn a livelihood, and I think there is some very good language in the Shapiro case to show that this is indeed a fundamental right being impaired by this exclusion.

I would like to conclude by saying that I am here not only to plead for the farmworker, but also to plead for the continuation of a system which is supposed to respond to the justifiable needs of its citizens. Farmworkers are beginning to learn that there have been laws passed for their protection, and, at the same time that they learn that these laws exist, they also learn that they are not enforced.

Moreover, they travel through this country's affluence and continue to live in the same poverty that they have lived in for years and that their parents lived through for years before them. The result of all this is the same kind of frustration which has erupted in riots in the cities.

Thus far, the countryside has been relatively calm. That time is drawing to an end unless a committee such as yours responds meaningfully to the just demands of Americas' forgotten people, the migrant farmworker.

Senator Mondale. I wish to commend you for not only a fine statement, but a program which I think creatively uses the vast talents of law students. As you know, some of the best legal literature written is found in our law reviews, which are student projects. I have always thought law students are about as good as they are ever going to be in theory and writing of law.

It might take some years to develop tools as courtroom lawyers, but basic legal issues which you are dealing with here are ones which they can deal with about as well, if not better, than the average practitioner, particularly when students work with a faculty committee.

I am impressed with what you are doing. We are very interested in OEO legal services programs and we are trying to get a substantial increase of funds to support them. Remarkable efforts such as we have at the University of Minnesota and elsewhere, when law students become involved with neighborhood legal services, indigent defense work, and other similar efforts while they are in law school, is not only valuable in terms of the law and suits being brought, but hopefully the students will learn something about some of these social problems.

I wish we could see a similar effort in medical schools. I think the American Bar Association is showing some signs of understanding this, and has done some remarkable work, I am surprised and proud to say, in this field. But the American Medical Association is still back about 1907, and I think one of the reasons is that medical students aren't being exposed to these human problems.

I think that is really the issue that surrounded the rebuff of Dr. Knowles. He is trying to get out in the ghetto and elsewhere where people are not getting benefits of decent medical care. If we can get more medical students, for example, involved in health problems, while law students are working on legal problems, there would be better health, and also medical leaders in the future would be more sympathetic and understanding of these problems.

I can't help but think that this kind of program is one which every law school ought to have, in this case in dealing with migrants, elsewhere where there are no migrants but there are similar problems.

Mr. Chase. They could work in all kinds of problems. I think the point is very well taken that the students, after experiences such as this, are not the same people as they were before. There is a ripening effect in terms of what they will do thereafter in terms of their own private lives.

Senator Mondale. Are you going to ask for an expansion of this program?

Mr. Chase. We would hope next year we would plug the program into Colorado rural services and at least double it, if not more than that. I would like to see very much the same kind of program developed in other States through the State law schools to deal with migrants coming into those areas during the summertime.

Senator Mondale. If you have any suggestions about legislation that might be helpful in this regard, I would appreciate receiving them, because it seems to me this is an institution that you are experimenting with that, one, guarantees quality legal work, which I think is important, and second, I expect it is peculiarly protected from interference from the power structure.

The top law schools and law professors and law students are not going to let their work be tampered with, and they don't have to, and the top university understands the importance of these kinds of programs and stands behind them.

One of the problems with our rural legal services program is that local bar associations try to interfere and cut off the programs, or better yet, take it over themselves. I think these services only make sense if they are dedicated to the service of the client, not somebody else.

If you want a greater sense of cynicism in the migrant poor, give him a legal service program that is not working for him. It is almost better not to have any at all than a corrupt system.

I think if we could have the sort of program nationally that you have in Colorado, that we could get a million dollars in free legal help, good legal help, and help that would be not only that of helping the poor, but would be a great training process for the lawyers themselves.

Most of the migrants that you are dealing with probably would not claim residence in Colorado?

Mr. Chase. That is right.

Senator Mondale. They live in Texas, probably. Some of them, I think you indicated, are illegals from Mexico.

Mr. Chase. Right. They are relatively small minority. Almost all of our migrant population comes from the Rio Grande Valley in Texas with some people working in southern Colorado and northern New Mexico.

Senator Mondale. Have you become involved at all in the political problem, trying to get those who could claim residency registered and voting?

Mr. Chase. We have not done that at all.

Senator Mondale. Do you see much hope for it in Colorado in light of the fact that most of them probably have residences elsewhere?

Mr. Chase. There isn't too much hope.

Senator Mondale. You do have a permanent Mexican-American population in Colorado, don't you?

Mr. Chase. Many of them are down in southern Colorado. There are many migrant dropouts and there are also people who have been there four of five generations, small farm families.

Senator Mondale. How about their voting habits?

Mr. Chase. I was going to mention that the political impotence of the migrant in our State reflects political impotency generally of the Mexican-American throughout the Southwest and this is certainly true in Colorado.

I don't know how you account for that other than the fact that people who have been down under so long rather lose hope in being able to do anything through any sort of institutional pattern, such as voting or anything else such as that.

Senator MONDALE. Is there any community organization underway that offers some hope?

Mr. CHASE. There is some economic development going on in southwestern Colorado. There is some migrant organization going on in the labor camp and it is a continuation of the group of migrants in action that emanated from Laredo, and that particular group is going to travel throughout the stream. They are splitting off now.

They are going to have people from the organization brought to other States and get more people to join this organization, which is not now either political or labor in terms of its objectives. I don't know what its objectives are except to get more control by migrants themselves of programs that are supposed to be for their benefit.

They would like to see them funded instead of more bureaucratic agencies.

(Material supplied for the record by Mr. Chase follows:)

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THE MIGRANT FARM WORKER IN COLORADO—THE LIFE AND THE LAW

JONATHON B. CHASE

I. THE LIFE

A. Delta, Colorado

Although it was still early in the morning, I could feel the sun burning a spot on my back through the hole in my tee-shirt. I straightened up, wiped my face with my already damp and dirty handkerchief and gazed down the long row of sugar beets—about a half a mile of them. Looking to either side, the beets on the eighty acre field seemed to mock me, "You asked for it, baby, and here it is." The land beyond the field was treeless and flat, with only a farm house and an irrigation ditch making an occasional bump. Every once in a while a family on its way to church would make a trail of dust as it drove down the distant road. For some reason, that periodic passing of humanity only increased my feeling of desolation.

Hunched over, eyes down, looking for weeds (and they were everywhere), I made my way slowly, ever so slowly, down the row. There's one! Get it! I brought the hoe down again and again, harder and harder, against the tough root. My hands were already blistered from yesterday, and as the hoe came down short into the rocky soil it sent painful shivers through my body. Some weeds grew smugly right next to the beet; and, after having wiped out a small portion of the crop, I learned that it was almost hopeless to use the hoe in such a situation. I began reaching in to pull the weeds out with my hands. Some came out; others held as I pulled at them. New blisters were forming where the stalks had slipped through my grasp, and my hands had turned green. The sun continued to beat down on me.

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The field experiences recounted in this article were made possible by a grant from the University of Colorado, Office of Educational Experimentation. The grant was made for the purpose of permitting me to collect materials for a seminar to be taught during the fall semester at the University of Colorado School of Law by Professor J. Dennis Hynes and myself, on Law and Poverty. Because of my interest in rural poverty, in general, and the migrant agricultural worker, in particular, I decided to spend the first three weeks of the summer working as a migrant laborer and living in labor camps, the three-week period to be divided between Delta, Colorado, and Fort Lupton, Colorado. The first part of this article describes my experiences during this three-week period.

I wish to express my gratitude to the many persons throughout the state associated with the Colorado Council on Migrant and Seasonal Agricultural Workers and Families [hereinafter referred to as the Colorado Migrant Council], and particularly to Pete Mirelez, Executive Director, and Tomás Atencio, Associate Director, for their invaluable advice and coöperation in the planning and execution of my research this summer.

After working for what seemed a long time, I looked up, expecting to be well down the row. I had made about twenty feet—*twenty feet!* The anger and frustration vented themselves as I came down harder and faster with the hoe.

At last the end of the row. "Don't walk back down the row for water," that lukewarm water sitting out in the sun in an old Clorox bottle. "Make yourself work back to it." "But I'm *so* thirsty." I started working back down the row. Towards the middle of the field, as I came down hard on a particularly tenacious weed, I heard and felt a familiar snap. I had happened yesterday, too; and I wasn't really sorry. The hoe had broken; I could leave the field! But what's the farmer going to say? Two hoes in two days? I began to realize that I must not be doing this exactly right. I had been working about six hours and had completed three and a half rows. At $8.50 per acre,[1] sixteen rows to the acre, I had earned about $1.85, or $.30 an hour. I loaded my tools (broken hoe, rusty file, and Clorox jug) in the car, drove by George Hines' (my employer) house, and happily, finding no one there, left the broken hoe against a tree and headed back to my home—the Holly Sugar Labor Camp in Delta, Colorado.

My hands were sore, I was hot, my house was filthy and I was in a strange town, doing strange work—badly—and living in a work camp where I was a curiosity. I was overpowered by a feeling of loneliness.

I had arrived at the Holly camp on Saturday afternoon, July 1, 1967. As I entered the camp office, George Hines, who grew sugar beets for Holly, was paying a family crew of Navajo workers. After tabulating their acreage, he made out a check, gave it to them, and they left the office. A few seconds after they had left, Mr. Hines turned to his son and asked him if that crew hadn't done a particular field, to which his son responded that they had. "We forgot to pay them for that," Hines said. "That's another hundred dollars we owe them." Whereupon he immediately left the office, brought back the crew leader, and made out a check for the right amount. My first preconception had been shattered within five minutes after arriving at the labor camp. I had expected to have things clearly and simply aligned, the good guys against the bad guys, the worker against the farmer. Well, it wasn't that easy.

I very briefly explained my purpose to the manager and asked if I could stay at the camp. He explained that the camp was only open to people already contracted to work for Holly growers and that since I didn't have a job with a farmer growing sugar beets for Holly, I couldn't stay in the camp. I then turned to George Hines, who had overheard all of this, and asked him if I could work for him. I confessed I had had no experience weeding beets, that indeed, I didn't even know what a sugar beet looked like, but that I was sure I could learn to do it. He reckoned as how that was so and said he could use me. Now under contract to work for a Holly grower, I again asked the manager if I could stay. Not knowing quite what to do with me, he said that I could until he had an opportunity to check with his superiors on Monday. I was assigned a house and then drove out to the fields with Mr. Hines. Mr. Hines was extremely interested in my project and asked me several questions about it. Again Mr. Hines surprised me, because there was no suspicion or resentment whatever in his questions, only sincere interest plus tolerant amusement. In discussing the plight of the migrant worker I found Mr. Hines to have a real, although perhaps paternalistic, sympathy for his workers, referring to them over and over again as "poor things." His sympathy, however, had a fatalistic quality to it. It was a hard life, but that was the way it was—inevitably.

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[1] Pursuant to authority under 7 U.S.C. § 1131(c)(1) (1964), the Secretary of Agriculture has set the minimum piecework rate for weeding beets at $8.50 per acre. 32 Fed. Reg. 5452 (1967).

After a brief introduction to the beets, I was left alone in the field, working there for about three and a half hours until I broke my first hoe and returned to my new home.

The Holly Sugar Labor Camp is located in the northwest corner of Delta, just across the railroad tracks. Driving into the camp, one comes into a dirt lane lined on either side by large trees and five cinder-block houses, each containing two living units. About 150 feet to the south of the entrance road is another row of about five houses. At the east end of this 150 foot clearing is a large aluminum washroom, and 200 feet north of the central road stands another row of houses. This latter section was occupied by Spanish-American families and the remainder of the camp by Indians. With the exception of one family, all of the Indians were Navajo. I am sure the camp was rather attractive many years ago. Even now, it is not too unpleasant, although the absence of grass anywhere gives it an overwhelmingly barren quality. (Why is it that migrants are denied the simple luxury of grass? In none of the labor camps that I visited this summer did I ever see a blade of grass—with the exception of a well-kept lawn surrounding the administration building of the Weld County Housing Authority in Fort Lupton.)

My house was in the central part of the camp, in the Indian section. The inside had not been cleaned since last occupied (which had apparently been some time ago), and the former tenants had left a few open jars of pickles, chile, and other spicy foodstuffs, the rotting smell of which permeated the place. The floor was thick with dust and particles of decaying food.

There were two rooms, each about twelve by eighteen feet. The front room contained a large wooden picnic table with benches, a double burner gas stove, some enamel cups and plates, a wash bowl, a frying pan and some eating utensils. (Only families were supplied with refrigerators.) In the rear room were about six army-type cots covered with stained, stinking mattresses.

I spent the first night in the camp sleeping in my car, ostensibly because the house was so stuffy, but really because I couldn't stand the filth and smell. Even after I cleaned the front room of my house and began to sleep there, I was sufficiently squeamish that I slept on an air mattress which I had brought rather than on one of the mattresses provided.

My source of water was a standpipe in front of the house which the children enjoyed playing with during the day, with the result that I usually had to vault a small moat when returning from work in the evening.

The central washroom contained his and her lavatory facilities. In the men's room there was a row of about twelve unenclosed toilets to the left and several basin-type urinals to the right. This room was filled with the stench more usually associated with outhouses.

There was another room containing sinks and laundry tubs, at the end of which was the entrance to the men's shower. The drain in the shower room was plugged and almost the entire floor was covered by water thick with filth which one had to walk through to get to a shower. The stench from the lavatory found its way into the shower room and the combined smell of feces and putrid water rendered taking a shower almost intolerable. These, then, were the living quarters at the camp.

On Monday, during the noon break, I met Al Edwards, Holly's local field representative, whose role deserves explanation. Holly undertakes to supply the labor needed by its growers and does so by going through the Colorado Department of Employment, Farm Placement Service, which recruits for Holly in Texas[2] and on the Navajo reservations. Once recruited, the labor either gets to Delta itself (with some financial help from Holly) or is transported in buses supplied by Holly (Indian labor is usually bused). The workers live in the Holly camp, Holly being paid a small amount for board by the farmers employing the labor. It is Al Edwards' job, among other things, to place the labor with particular growers and then to act as a go-between for the workers and the growers throughout the work period in beets—roughly from mid-May through late July or early August. The important factor is that once Holly has placed labor with a particular grower, Holly's direct responsibility ends. It is the farmer who arrives at the camp at 6 a.m. each morning to transport the workers without cars out to the fields, and who supplies them with hoe, file, and water. It is the farmer who drives the workers home every evening (perhaps stopping by a store on the way so that they may shop), learns his employees names, sees their children, sees where they live, and, when the section has been completed, pays them. The significance of this system will be appreciated when compared, below,[3] to the contractor system utilized elsewhere in the state for furnishing labor not already placed and living with individual growers.[4]

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[2] This is accomplished through the cooperation of the Texas Department of Employment which does the actual recruiting in Texas.

Al Edwards, aside from his role as farmer-worker intermediary, is also directly over the camp manager in responsibility for the operation of the camp. He came to see me on Monday to find out what I was doing at the camp, and then to determine whether or not I could stay. He was very personable and we talked easily, although he obviously had reservations about my presence. He explained that there was a policy against admitting single men (those traveling without families, either married or unmarried) because of a fear of drinking and the disquieting effect they might have upon the single maidens. I assured him that I was upright and that he had nothing to fear from me. When we parted, he was to check with his superior, Robert Ginn, the regional field representative, and let me know the verdict on Tuesday.

On Tuesday, Edwards told me that I would have to leave, reiterating the reasons given previously. (I had learned by this time, however, that other single men had lived and were presently living in camp.) I asked if I might speak to Mr. Ginn, myself, before having to leave, and this request was granted.

On Wednesday I went to the office of Robert Ginn in the Holly processing plant located near the camp. My demeanor in camp having been beyond reproach, I was sure that I would be permitted to remain. We discussed my being single and seemed to get over that hurdle. Ginn's next objection to my staying was that I was an Anglo. There were two races in the camp, he said, and that was already twice as much potential trouble as he wished. He specifically talked about the possibility of someone picking a fight with me. This sounded absurd to me, although I am sure that to Ginn it was a very real fear. I had begun to make friends in the camp, and the last thing in the world that I felt was hostility.

By this time I began to realize that Edwards' and Ginn's misgivings about my presence were not really those which had been articulated, but rather concern about who I was and what I was really doing there. I had, of course, told both that I was an assistant professor of law at the University of Colorado School of Law, but had never thought to show any identification. Admittedly, I did not quite look the part of a professor. At my expense, we called the then Associate Dean of the Law School, James Buchanan, who verified my identity and purpose. After promising to stay out of the camp on Saturday night (that is when someone would be most likely to fight with me) and drafting and signing a waiver of liability in case someone should choose a night other than Saturday, I was permitted to remain.

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[3] *See* text accompanying notes 18-20 *infra.*

[4] It has been estimated that approximately half the agricultural workers in Colorado are housed by individual growers on their own property, the other half being housed in labor camps. Telephone interview with Tomás Atencio, associate director of the Colorado Migrant Council, October 30, 1967.

Life in the camp soon became less lonely, thanks to a remarkable man named Frank Pebeahsy who befriended me early during my first week in Delta. I had found the Indians, in whose area of the camp I had been placed, to be rather wary of me. As mentioned earlier, there was no trace of hostility, but merely a bemused distance. I was indeed quite a curiosity. Children stared at me when I walked through the camp, and adults responded shyly to my greetings. Thus I was very happily surprised, when answering a knock at my door one evening, to find Frank had come over to say hello and talk with me.

Frank, as I said, is a remarkable man. He is Comanche, from Oklahoma, and married to a wonderful Navajo woman named Mary, who generously became my camp mother during my stay in Delta. He has completed high school, which is extremely unusual for a worker in the migrant stream, and both Frank and Mary speak perfect English, also unusual among the adult Indians. They have three sons living with them: Ronald, who is five; Frank, Jr., who is fifteen; and Adrian, who is seventeen.

Frank and Mary were regarded by most of the Indians in the camp, as well as by the camp manager, as the camp leaders. People went to them with their troubles, both domestic and those connected with work or the camp. I felt privileged and grateful to be their friend. During the two weeks I was in Delta, I spent many pleasant evenings either going in Frank's pick-up to the drive-in movies with him and his family, and usually a couple of other people as well, for some welcome entertainment, or just sitting around talking. My nickname was Custer, which I mention both because I am proud that they called me by a nickname and because it exemplifies their wonderful sense of humor which made being with them a lasting pleasure.

I must also mention the one incident involving the law. A girl of seventeen had been out with a couple who had been drinking heavily, although she had not. They asked her to drive their car home, and, although she had never before driven a car, she consented to do so. In the process she wrecked the car, injuring the couple. She was arrested for careless driving and driving without a license, and faced a maximum of six months in jail and $1,000 in fines. We all expected the worst — or near to it.

The incident had occurred prior to my arrival in Delta, but I attended the trial. The court-appointed attorney asked the girl several questions, through a Navajo interpreter provided by the Colorado Migrant Council, in an effort to make sure she fully understood the charges against her and the nature of the proceedings. He asked her whether she wished to plead guilty or not guilty and she replied, "guilty". I was surprised since the attorney had done nothing in the way of a defense, did not appear to have advised her as to how to plead, and then did nothing, before sentencing, to bring out any extenuating circumstances. I was most amazed, however, when the district attorney recommended only a small fine and the judge sentenced her to pay twenty dollars, payable ten dollars a week out of her pay. This was as sensitive a handling of such a case by the court and the district attorney as anyone could have wished. The punishment was enough to teach her a lesson—for what she had done was serious—and yet was within her power to pay. Again, those from whom I had expected harshness had demonstrated mercy.

I worked the remainder of the first week for Mr. Hines. Having learned to keep my hoe sharpened by using the file regularly, I was able to move faster and to avoid breaking any more hoes. On Monday I had started getting company on my field. I was first joined by an Indian family working to my right. The mother, father and daughter worked, and a little boy about five or six stayed with them all day, entertaining himself as best he could by the side of the field. In an effort to give him an escape from the sun, the father assembled a rather ineffectual makeshift lean-to from a blanket and two short sticks. I always wondered why they didn't send the child to the school operated by the Colorado Migrant Council and finally, towards the end of the week, asked the father. Once he was able to understand my question, as he spoke very little English, he merely replied that they did not want to, that they wanted the boy with them. Perhaps this is another example of the Navajo suspicion of the white man.[5]

Thursday afternoon we finished the first field and I was given a job on another small field belonging to Mr. Hines which was even weedier than the first. Working with me on this field were five men from Mexico who had only been in this country two years, and who spoke no English.[6]

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[5] The Colorado Migrant Council, a statewide organization funded by the Office of Economic Opportunity (OEO) which is presently in its first year of operation, has established several infant care centers and Head Start schools throughout the state, one of which is located in Delta. In an area in which the population to be served is largely Navajo Indian, however, there are no Indians employed on the staff of the Colorado Migrant Council. Mr. Peter Mirelez, Executive Director of the Colorado Migrant Council, explained to me that the reason for this is that originally the Colorado Migrant Council worked out an arrangement with the Office of Navajo Economic Opportunity (ONEO) whereby the latter would supply personnel to work with the Colorado Migrant Council in areas of Indian population. This was vetoed by Washington, however, on the grounds that ONEO funds were not to be used to implement programs sponsored by the Colorado Migrant Council; and by then it was too late to make other arrangements.

[6] In 1963 Congress refused to extend the Agricultural Workers Importation Act (Mexican), 65 Stat. 119 (1951), commonly known as Public Law 78, thus causing the importation of Mexican labor ("Braceros") to cease as of December 31, 1964. Aside from Mexican nationals entering this country illegally ("wetbacks"), at present all agricultural workers in Colorado are United States citizens.

They were traveling and working without their families and were living on the land of a farmer for whom they had been working.

On Thursday night it rained, and the ground was still wet when we came to work on Friday morning, soaking my boots and trousers as I worked down the rows, and causing the hoe to become heavily weighted with clinging mud. By 4:30 p.m., we had almost completed the field, only about six rows remaining to be done, when it began to rain again. That was it; we all started walking off the field. As we were leaving, Mr. Hines arrived to check our progress and was dismayed to see that we (actually, they) were quitting. He had planned to irrigate the next morning and wanted the field finished that night, and implored us to stay. Since the men spoke no English and Mr. Hines spoke no Spanish, I used my meager Spanish and became the interpreter. It would have been all right had I only had to translate, but I found that I had to act as censor as well. The men wanted more money, Mr. Hines refused, the men said he was a cheap "son-of-a-bitch", Mr. Hines asked what they'd said, and I replied that they said he was careful about how he spent his money. Finally all of us, including Mr. Hines, worked furiously together, finishing the field in about fifteen minutes.

Because the first field was unusually weedy and the second worse, Mr. Hines paid $10 per acre for the first and $1.40 per hour for the second.[7] My wages for the first week, for about forty-two hours of work, came to $22.70.

On Monday of the second week I began working with Frank Pebeahsy and his family and learned a few things about weeding beets. During the height of the afternoon heat the beets wilt and all weeds rising above them must be cut down below that level. All others are ignored. My new savvy, plus the very important fact that that field was particularly free of weeds,[8] enabled me to do two rows at a time, sixteen rows before lunch and another sixteen in the afternoon, two acres, $17 a day. Aside from the knowledge that I was making good money, I experienced a wonderful feeling of freedom and exhilaration in walking quickly and easily down the rows, flicking out now and then at occasional weeds. The anger, the frustration, the feeling of desolation were gone. Instead, I was out under the open sky, my own boss, making a good wage, working easily down a field abreast of my friend.

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[7] Under the Sugar Act of 1948, 7 U.S.C. § 1131(c)(1) (1964), an alternative to the minimum piecework rate is an hourly minimum of $1.40. *See* notes 33-35 *infra* and accompanying text.

[8] There are two basic hand labor operations involved in the production of beets: a first operation of thinning the beets and weeding; and a second weeding, in which I was engaged. It is common practice for a worker employed to do the first stage to make an agreement with the grower that the same worker will also do the second weeding. With such assurance, the worker will do an extremely careful job at the first stage, making relatively poor wages, but with the result that when the second weeding is required the field is particularly "clean" (free of weeds) and a much better wage can then be made. This was the case in the field in which I was then working, where Frank had done the first weeding, as compared to Mr. Hines' field, where a different crew had done the first weeding. The important thing to remember is that one cannot merely look to the wages earned with Frank on the second weeding, but must average these in with the lower wages earned on the first stage, in order to get a fair indication of the overall average wages.

Our take for five days of work on that field was about $77 apiece. With three members of Frank's family working (Adrian was visiting his grandmother in Idaho), that is a living wage. If it were always like this, it would not be a bad life; but, as I had seen the week before, it was not—although conditions, generally, in Delta had been ideal. The weather had been almost perfect, with hardly any rain, there was plenty of work and not an oversupply of labor, and no contractor had taken anything in the middle.

Although now very much at home in Delta, I felt I ought to work in some other part of the state and, having learned from the farm bulletin in the Delta State Employment Office that ample work was available in Fort Lupton, I decided that would be a good place to go. On Friday evening I said goodbye to Frank, Mary and the children, of each of us promising the other that we would meet again, and headed for Fort Lupton.

B. Fort Lupton

On Saturday, July 15, 1967, I arrived at the Fort Lupton Labor Camp, which is owned and operated by the Weld County Housing Authority and managed by a Mr. J. L. Rice. Until 1956 the camp was owned by the federal government, having been used during the 1930's as a CCC camp and during World War II as a concentration camp. In 1956 it was turned over to Weld County, under the United States Housing Act of 1937,[9] to be used for low income housing.

I first spoke to Mr. Rice about staying in the camp, merely saying that I planned to work in the fields and needed a place to live. He directed me to speak to a woman working in the camp office who, he said, would be able to tell me about the availability of housing. I was informed by this woman, whose name was Kathy, that the only housing open was for people who wanted to work pickles.[10] I explained that I only planned to stay a week, to which she replied that in that case there was nothing available, since I would have to be willing to stay for longer than that to get into the pickle housing.

I was aware that the Peace Corps had leased a large number of houses at the Fort Lupton Labor Camp in which to house and train over one hundred volunteers for service in Afghanistan. Hoping to somehow be squeezed into Peace Corps housing, I went to see Dr. William Griswold, the assistant director of the Peace Corps training program, and explained my objectives and my plight. He was extremely interested in my project and wished to help me if possible, and offered to speak to Mr. Rice to see if anything might be done. He was told by Mr. Rice that I ought to speak to Nato Martinez, a contractor in the camp, and ask him if I could work on his crew and live in one of the block of houses leased for him for his workers.[11] I found Nato, and informed him that I was from the University of Colorado, wished to work with the migrants, and would like a job with his crew and a place to live. He asked me if I had ever worked sugar beets, to which I, feeling rather pleased with myself, replied that I had, and was told that I had a job, beginning Monday morning at 6:30 a.m. He also told me that on Monday he would find me a place to stay, which he did.

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[9] 42 U.S.C. § 1401 (1964).

[10] *See* note 19 and accompanying text *infra*.

The Fort Lupton Labor Camp contains about 210 living units, most of which are wooden frame structures, each containing one room about fourteen by sixteen feet in area in which up to six persons must eat and sleep. Army-type cots without mattresses, a small table about three feet square, one chair and a two-burner gas stove are furnished in each unit. Water is supplied by outside standpipes and there are central washrooms. On the whole, the camp was cleaner than the Holly camp in Delta, particularly the bathrooms. I was told, however, by several people who had been in the camp in prior years, that the buildings had been painted and repaired this year, with the arrival of the Peace Corps, whereas in past years conditions were terrible. Even though cleaner, however, the facilities provided were far less adequate than those of the Holly camp.

On Monday morning we drove to a farm north of Erie, about fifteen miles south of Fort Lupton, waited while Nato talked with the farmer and then drove out to the field of beets. Nato walked out on the field, examined it, and came back and told us that the farmer was paying $.60 a row. The field was extremely weedy, but more than that, the ground was wet, the beets very small and chewed up by hail, and the rows appeared to have been planted by someone who'd had a bit too much to drink. They were crooked, with large gaps where there were no beets, and other sections where the beets became lost, running up into the center section between the rows. I am certainly no expert on agriculture, but the difference in appearance between the beet crop near Delta, where the fields are irrigated, and that near Fort Lupton, where by and large the fields are not irrigated, was startling. Although we all grumbled about working on such a weedy field for $.60 a row, we began the task. At one point I asked Nato how many rows there were to the acre, to see if we were being paid the minimum set by the United States Department of Agriculture, and he said he did not know. We finished the field on Wednesday, working an average of about six hours a day. I completed twenty rows, earning $12; those working with me did not do much, if any, better.

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[11] *See* note 19 and accompanying text *infra.*

The particular group[12] that I worked with consisted of a grandfather, his son, his two grandsons, and a friend of the grandsons. They were, as were almost all of the people living in the Fort Lupton Camp, of Spanish-American descent and from southern Texas. The crews that I observed in the Fort Lupton area seemed to work shorter hours than those on the Western Slope, partially, I'm sure, because the crews in the East usually had their own transportation and were thus more mobile than those on the Western slope who were dependent on the farmer and his hours. I believe another reason for the shorter hours and, indeed, for a recognizably different attitude toward work, was the fact that the pay was so poor and the work so sporadic around Fort Lupton. There was little incentive to do anything more than earn enough for the next day or two, for it was hardly possible to save any substantial amount of money at $.60 or $.75 an hour, or even less.

When we finished the field on Wednesday, Nato informed us that he would have no more work until the cucumber harvest began, and that he did not know when that would be. Moreover, when I met Nato that evening to get paid he told me that Kathy had told him to inform me that I was to leave the camp. That day I had photographed a child of nine working in the field with us, an apparent violation of both state[13] and federal[14] labor laws, and Nato had mentioned this to Kathy. Since I'd planned to leave the following day I was not particularly concerned.

Wednesday evening I went with Jennifer Taylor and James Green, Head Start teachers in Fort Lupton working with the Colorado Migrant Council, Roberto Valenzuela, a migrant worker and Marianno Ortiz, a former migrant and now a permanent resident of Fort Lupton, to a meeting of the Weld County Migrant Council in Greeley. Mr. Ortiz, who speaks very little English, had first mentioned the meeting, informing me that he was a member of the Weld County Migrant Council and that he would not attend any more of their meetings since no one cared whether he was there or not. He said he couldn't understand what was happening at them anyway. He did agree, however, that if the rest of us went he would go too.

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[12] In addition to the group with which I worked, there were about twenty-five other workers in the field, all supplied by Nato.

[13] Colo. Rev. Stat. Ann. § 80-6-3 (1963) (twelve-year minimum).

[14] Sugar Act of 1948, 7 U.S.C. § 1131(a) (1964) (fourteen-year minimum). When I later spoke with the farmer who owned the field, see text accompanying note 20 *infra*, he explained that the child's mother had asked if the boy might stay with her in the fields, as they were living in housing provided by the farmer far from any schools available to the migrant children living in Fort Lupton; and unless he could accompany her, there would be no one to watch him during the day. Although I did see the child working, the farmer explained that the boy had not weeded more than twenty feet the entire time the family was in that field. The farmer felt the "work" was the only form of recreation available.

In an interview with the Denver Post[15] I was quoted as having said, as a result of this meeting in Greeley, that "It [the Weld County Migrant Council] is composed of farmers and bureaucrats dedicated to maintaining the status quo." I went to the meeting at a time when people in the camp could not find work, and had not been able to for some time, and when food and money amongst the migrants had disappeared.[16] The situation had become desperate, and I was anxious to know what steps would be taken by the Weld County Migrant Council to alleviate the terrible conditions.

Instead, the following transpired. The first topic of discussion was the relationship between the Weld County Migrant Council and the Colorado Migrant Council, the fear being expressed that the former might be subsumed within the latter. Next, representatives of the State Department of Education expressed concern over the fact that some children aged five, who should have been attending the state operated schools, were attending the Head Start schools operated by the Colorado Migrant Council. The plain fact which emerged from this discussion was that these state educators were far less concerned over the welfare of the children than they were with seeing children, over whom they were supposed to have jurisdiction, go somewhere else. The last topic of discussion was the proposed stipended adult education program sponsored by the Colorado Migrant Council, whereby adult migrant workers, after the crops had been harvested, were to be paid to attend classes during the day in basic education, including reading, writing and arithmetic. This program, although financed by the Colorado Migrant Council, could not be implemented in an area unless the local migrant council gave its blessing; and, in the case of the Weld County Migrant Council, where the farmers have a controlling voice, the program was rejected.[17] One farmer at the meeting, with unabashed candor, remarked, "What are they [The Colorado Migrant Council] trying to do, educate these people so that they will be able to get better jobs and leave the fields?"

If this had been a meeting of the Farm Bureau or some school board, the display of insensitivity would have been disappointing; but that this is what happened at the meeting of a migrant council, a group supposedly established for the welfare of the migrant, was absolutely shocking.

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[15] Denver Post, July 30, 1967, § G, at 6, Col. 5.

[16] In a survey of forty-four families living at the Fort Lupton Labor Camp, conducted on July 22, 1967, by Philip Vargas, then a graduate student in sociology at the University of Colorado and now a first-year student at the Harvard Law School, and myself, in which we were assisted by Reuben Montoya, Victor Saragoza and Roberto Valenzuela, of Fort Lupton, we found the following: only two families had been working steadily, most had not had work since July 18, and five families had had no work in two weeks; only sixteen had received more than $1.00 per hour, $1.30 being the highest, and eleven had received $.75 or less per hour; one family still had $75, the next affluent had $45, half had very little money left, and twenty families had none; only three of the families were receiving any help whatever, and that came from the Catholic Church, The Migrant Ministry, The G. I. Forum in Fort Lupton, and The Head Start teachers placed in Fort Lupton.

[17] Later in the summer The Weld County Migrant Council reversed this decision and accepted the stipended adult education program.

I had made arrangements Wednesday evening to go out the next morning with Roberto Valenzuela to look for work. Roberto, 28, with a wife and three children, had not had any work for two weeks because of a hand injury,[18] and by Thursday morning had absolutely no money and only a little flour left with which to feed his family. I went to his house in the labor camp at 6:30 a.m. Thursday morning to pick him up and was overcome, as I had never been before, by the terrible pathos of the way migrant families are forced to live. There, still sleeping curled around one another, were Roberto's three children, aged three, four, and six, on a single army cot—with no mattress.

We drove over to the Brighton employment office, arriving a few minutes before it opened at 7:00 a.m. We told the man we would do any kind of work, and were directed to sit on chairs along the wall—and wait. During the next half-hour four or five employees of the office and two other men looking for work arrived. After waiting for two hours with no work requests coming in, we headed back to the State Employment Office in Fort Lupton.

On the way to Fort Lupton we stopped to talk to a crew topping onions, and they told us of a beet field west of Fort Lupton where workers were needed. Following their directions we got to an extremely weedy field with the longest rows I'd ever seen—about two-thirds of a mile—on which a family of four were working about two-thirds of the way down their first row. They told us that the farmer was paying $.50 a row and that it had taken them over an hour to get as far as they had. In other words, they were working for less than $.30 an hour. They planned to finish the row they were on, do one more back, and leave, earning just enough to get them by for another day or two.

Roberto and I left, went back to the Fort Lupton Employment Office, found out about another field, and went out and worked on it for about three and a half hours. Our *combined* take was $4.42. Roberto told me later that he and his wife went back to the same field on Friday and worked on a section containing shorter rows than on the section we had worked and made $1.83 *between them* for another three and half hours of work.

What had happened in Fort Lupton was that for several weeks workers had gradually been filling up the labor camp for the cucumber harvest which, however, was to be two to three weeks later than usual due to heavy rains, and had not yet begun. Beet work was almost finished, though a few fields remained to be done. The workers were hungry, they had no money, and the situation was ripe for exploitation.

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[18] Because Roberto was an agricultural worker, he was not covered by either workmen's compensation or unemployment insurance. *See* notes 80 and 81 and accompanying text *infra*.

Who was guilty of the exploitation? I cannot say for sure, but perhaps an explanation of the way contractors work will provide the basis for a calculated guess. Nato Martinez is typical of the labor contractor. He was, himself, a migrant worker at one time and has now, in the best American tradition, turned entrepreneur. He contacts a crew of fifty or sixty workers in Texas and contracts with the Kuner-Empson Company to bring them up. Kuner-Empson, then, in addition to providing some financial aid in bringing the workers to Colorado, also leases a block of houses from the Weld County Housing Authority in which the workers live rent-free while working cucumbers. Prior to the cucumber harvest, when the people work beets, they still are allowed to live rent-free in housing leased by Kuner-Empson; the rent is paid either by the Great Western Sugar Company or by Kuner-Empson. Once the cucumber harvest begins, however, anyone living in Kuner-Empson housing must work cucumbers.[19]

Prior to the cucumber harvest, during the period when the migrants work beets—which is the period with which I have some familiarity—Nato finds work for his crew by being directed to growers through the Great Western field man, a counterpart of Holly's Al Edwards in Delta. That is the sole extent of Great Western's responsibility; all further arrangements, the most important being the rate of pay, are made strictly between the farmer and Nato. As mentioned earlier, when working for Nato he told us that the farmer was paying $.60 per row and that he

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19. Towards the end of July, because of the presence of the Peace Corps and the leasing of houses by the pickle companies, there was no unrestricted housing available to workers and their families who wished to be able to work whichever crop they pleased and pay their own rent, $6 a week. Thus, families arriving at this time who sought housing in the Fort Lupton Labor Camp had to work pickles in order to have housing.

Since the original grant by the United States in 1956 to the Weld County Housing Authority specified that such was pursuant to 42 U.S.C. §§ 1401, 1402(1) (1964), limiting the use of the camp to low income housing, it is questionable whether the leasing of space for use by the Peace Corps was not violative of that grant. At the very least, the taking of space in the camp by the Peace Corps was certainly insensitive; the resultant housing shortage was almost inevitable.

The Weld County Housing Authority was created in 1951, pursuant to Colo. Rev. Stat. Ann. § 69-6 *et seq.* (1963), an act permitting counties to establish authorities for the housing of agricultural labor. The Weld County Housing Authority "is a public body, corporate and politic, possessing all powers necessary to exercise essential governmental functions. . . ." Description by J. L. Rice in Colorado Legislative Council, Migratory Labor in Colorado 140 (1962). Since action of the Authority is action of the state for purposes of the fourteenth amendment of the United States Constitution, there would be a serious constitutional question under the equal protection clause of the fourteenth amendment if the Authority itself were to restrict the use of its facilities only to those willing to work a particular crop. If it would be unconstitutional for the Authority to take such action, the action of is lessees is then unconstitutional. Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961); Derrington v. Plummer, 240 F.2d 922 (5th Cir. 1956).

didn't know how many rows there were to the acre. He also told me the farmer paid him $1.00 for each acre we did, which he indicated was the extent of his pay. Recently, however, I went back to see the farmer that I worked for on Nato's crew and learned some interesting facts, as did the farmer, whose name, I learned,[20] is Carl Larson. First, Larson paid Nato $2.00 per acre, not $1.00 as Nato claimed. Second, Larson paid Nato $1.00 per row, not the $.60 which Nato paid us. Larson was unaware of the discrepancy, although he had made no effort to find out what we were actually paid. Third, on the particular field on which we worked, there were between nine and twelve rows to the acre, meaning that we got paid between $5.40 and $7.20 per acre, far below the minimum set by the Department of Agriculture of $8.50 per acre. That particular field contained thirty-six acres and approximately 400 rows, resulting in Nato's having received about $270.00 for our three days' work. Mr. Larson said this amount was more than the profit that he, the grower, would realize from the field.

In addition to the obvious economic disadvantage to the migrant farm worker incurred as a result of the exploitation by contractors, there is an economic disadvantage to the grower as well. I recall that Mr. Larson had been very dissatisfied with the job we had done on his field and it was not until I told him what we actually received that he understood why our work had been so sloppy.

Quite apart from tangible economic factors, the complete insulation of the farmer from his workers, as a result of the contractor, enables the farmer to treat labor as any other commodity, such as seed, which must be purchased at the lowest possible price. In Delta on the other hand the farmer was forced to respond to his workers as human beings, with the result that in one area the growers seemed to be genuinely concerned over the plight of the migrant and, in the other, conveniently blind and comfortably ignorant.

In an effort to alleviate at least partially the hunger in Fort Lupton, I called the Weld County Department of Welfare in Greeley to inquire into the availability of food stamps[21] for these people.[22] I was told that the head of each family should go to the Greeley welfare office to fill out the necessary forms, and that sometime during the following week a case worker would make an investigation. After another week or so, if the family qualified, the food stamps could be purchased. I suggested that I bring a busload of people over and was told that that would be quite impossible, that the forms were filled out in individual interviews, taking about an hour each, and that the size of the staff precluded accommodation of more than four families per day. Even should families qualify for the stamps, I was told, they would then have to pay an exorbitant amount to get them. For example, a family of six, earning $150 between them in the previous month, would have to pay $64 for food stamps entitling them to purchase $106 worth of food. The notion that members of a family being paid daily or bi-weekly should be able to save $64 out of $150 earned in a month is absurd. Fortunately, the Department of Agriculture also recognizes this, as I learned from a call to the Denver office, and instructs local welfare offices to certify that families be permitted to purchase stamps on less than a monthly basis, at intervals coincidental with when they are paid down to once a week.

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[20] While working for Nato, I asked him the name of the farmer for whom we were working and he refused to tell me, saying, "I'm the boss. You don't have to know his name."

[21] Food Stamp Act, 7 U.S.C. §§ 2011-25 (1964). All of the families living in the Fort Lupton Labor Camp were ineligible for state welfare because of Colorado's residency requirements. *See* note 82 *supra.*

[22] Although these families were eligible to participate in the food stamp program, they were unaware of their eligibility and no effort whatever had been made by the local welfare office to inform them of the existence of the program.

After much prodding by migrants at a later meeting of the Weld County Migrant Council, the Weld County Welfare Department sent representatives to the labor camp in Fort Lupton where they spent almost two full days signing up families for food stamps. To my knowledge, however, no family was permitted to buy stamps more frequently than once every two weeks, which still rendered the program inaccessible to most inhabitants of the camp.[23]

In late July, Vicente Ximenez, Chairman of the Inter-Agency Committee on Mexican-American Affairs, conducted a hearing in Denver on the problems of migrant farm labor. Among those attending this hearing were several of the migrant farm workers from the Fort Lupton Labor Camp, myself, and representatives of relevant federal agencies in Denver, including the Wage and Hour Division of the United States Department of Labor. In 1966 the Fair Labor Standards Act[24] was amended to cover agricultural employment for the first time, and, as of February 1, 1967, any employer of agricultural labor using more than 500 man-days[25] of farm labor in any calendar quarter of the preceding calendar year was required to pay a minimum wage of $1.00 an hour.[26] This is a protection in addition to the minimum piece work rates set by the Department of Agriculture. Therefore, if the producer is covered by both Acts, the worker has his choice of the piece rate minimum under the Sugar Act or the hourly minimum under the Fair Labor Standards Act, whichever is greater.[27] Although most beet workers are aware of the minimum piece rates prescribed under the Sugar Act, none that I talked with had any knowledge of the hourly minimum prescribed under the Fair Labor Standards Act with the result that any compliance with the Fair Labor Standards Act by a grower paying at the piece rate was purely coincidental. When the piece rate yielded less than $1.00 per hour, compliance with the Fair Labor Standards Act was not demanded and it was certainly not offered.

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[23] Carlos Leal, area director of the Colorado Migrant Council for Northeastern Colorado, informed me that of the twenty-five families living in the Fort Lupton camp certified by welfare as eligible for the program, only three were able to purchase the stamps.

[24] 29 U.S.C. §§ 201-19 (Supp. II 1966).

[25] A "man-day" is defined as "any day during which an employee performs any agricultural labor for not less than one hour." 29 U.S.C. § 203(u) (Supp. II 1966). At the hearing in Denver, representatives of the Wage and Hour Division of the United States Department of Labor stated that for purposes of coverage under the Fair Labor Standards Act, as amended in 1966, farmers and contractors would be considered joint employers, with the result that if one were covered, so then would be the other. Thus, a farmer who did not meet the 500 man-day requirement of 29 U.S.C. § 213(a)(6) (Supp. II 1966) and would not, therefore, be covered under the Fair Labor Standards Act, will, if he employs a contractor who does meet the 500 man-day requirement, lose his § 213(a)(6) exemption. *But see* note 94 *infra* for a different interpretation.

We informed the representatives from Wage and Hour that everyone working out of the Fort Lupton camp had received less than the hourly minimum wage and they asked that complaints be filed by those then present for back wages. I left at that time, assuming that action was to be taken. About two weeks later I called Wage and Hour and learned that no complaints had been filed and that nothing was being done. I suggested that they had received enough information to warrant their undertaking their own investigation and was told that that would be impossible without complaints. I explained that since the workers did not know the names of the farmers for whom they worked, any complaints would have to be made against the contractor, and it was unlikely that anyone would file against a contractor since the workers were dependent on him for work and housing. I was told that names of complainants would be kept confidential, but it is unlikely that workers would believe that. Furthermore, the people in the camp had very little faith in filing complaints and thought it foolish to take risks when the likelihood of any satisfaction was extremely remote.

One apparently simple solution to the problem of the migrant farm worker is for him to stay in one place and get a non-farm job. Let me describe, however, the difficulties encountered by Roberto Valenzuela when he tried to do just that. Roberto's education ended with the second grade, which immediately excludes him from most of the better jobs. He had had experience, however, as a truck driver in Texas, and, when interviewed in a State Employment Office in Denver, where he went to look for a permanent job, he informed them of this experience. He was told that unless he could produce references from Colorado employers for whom he had driven, he could not be referred to anyone for a position as a truck driver. Since this was obviously impossible, he was told that he would hear, within a few days, about opportunities for factory work in Denver. After almost two weeks had gone by with no word from the employment office, I offered to call to see what had happened. I was informed that factory jobs were very scarce and that there was little possibility in getting one unless Roberto were to come to the office each morning. Because it was necessary for Roberto to get whatever work in the fields he could, and because of the time and cost of driving to Denver, this could not be done.

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[26] 29 U.S.C. § 206(a)(5) (Supp. II 1966).

[27] *See* 29 U.S.C. § 218 (Supp. II 1966).

Next, Roberto tried to get a house in the permanent housing section of the Fort Lupton Labor Camp. He was first told that such housing was only open to persons who had lived in the area for six months or more, a policy which effectively excludes all migrants wishing to remain. He was later told, however, after obtaining a job with the Colorado Migrant Council, that when the Peace Corps vacated the permanent housing it was occupying, he could have a place. In the meantime, however, he had found another place to live. A Mr. Hernandez, however, was not so fortunate. He also wished to stay in Fort Lupton, had a job through February, but was not permitted to stay in the permanent section of the labor camp; no reason was given for his rejection.[28]

During the period before Roberto located a residence, he attempted to enroll his oldest boy in the Fort Lupton public schools, but was told that as long as he continued to live in the migrant section of the labor camp his son would have to attend the special migrant school between Brighton and Fort Lupton, where Spanish is used extensively in teaching. Roberto, however, was very anxious that his boy learn to speak English and, for that reason, that he attend the regular public schools. But he couldn't.

II. PROPOSALS

During the peak period of 1966, there were approximately 14,500 agricultural workers employed in the state of Colorado, about 7,830 of whom were migrant workers (from out of state), and the remainder Colorado residents.[29]

The total number of agricultural workers employed in the state at one time or another during the year, however, is far more than 14,500, since different people enter and leave the labor force as work on one crop begins and work on another ends. At some time during the summer (actually from about May 1 through the middle of November[30]) almost all of these workers were out of work for days or weeks, either because of a crop failure, bad weather conditions, or an over-supply of labor in a particular area. Furthermore, even when jobs were available, almost all of these workers at times worked for shamefully low wages. Computing the average rate of pay in light of the many days of forced idleness during the season, the resulting *per diem* figure is pitfully low. Roberto Valenzuela estimated his family's average annual income over the past several years at well below $2,000.

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[28] Mr. Hernandez arrived at the Fort Lupton Labor Camp in late July and was one of those who did not wish to work pickles and was therefore unable to find housing. Since much of the pickle housing was still unoccupied, however, pressure was put on Mr. Rice, by Mr. Hernandez and others, to require the pickle companies to relinquish some of their empty houses. This was accomplished with the result that Mr. Hernandez, after much difficulty, was finally able to obtain housing in the temporary section of the camp.

[29] Colorado Department of Employment, Annual Farm Labor Report 8 (1966) [hereinafter cited as "Colorado Farm Labor Report"].

[30] *Id.* at app. A, ex. 2.

In addition to the problem of chronically low wages, there is also the problem of housing the migrant workers and their families, who, at a conservative estimate based upon the above figures, must number at least 30,000 within Colorado at some time during the agricultural labor season. Although the housing in Delta and Fort Lupton is in many ways inadequate, I saw labor camps in other areas of the state, particularly in the Arkansas Valley, that were not fit for animals. I did not have an opportunity this summer to see much on-farm housing; from what I have heard from others, however, at least some of the on-farm housing is as bad as any to be found in the worst labor camps.

Before discussing possible solutions to the problems of wages and housing, there is one other factor which must be considered—the impact of mechanization on the migrant farm worker. The number of workers employed in Colorado during the peak period has declined steadily from 16,700 in 1963,[31] to the present 14,500; this is at least partially due to increased mechanization. New machines are being tested for the harvesting of tomatoes and pickles,[32] and I saw extensive use of mechanical potato harvesters in the San Luis Valley. In an interview with Mr. E. G. Kidder, manager of the American Crystal Sugar Company plant in Rocky Ford, he predicted that pickles and tomatoes would be mechanized within two to three years. He was a bit more cautious in discussing sugar beets, saying that herbicides and mechanical thinners would be sufficiently developed within "the near future" to avoid the need for hand labor. A farmer with whom I talked in Wray, Colorado, however, did not believe that mechanical improvements for sugar beet fields would ever be sufficiently perfected to replace hand labor. This view was confirmed by a discussion with a man who recently resigned from the Great Western Sugar Company, after three years as a field man. He said that there had been no noticeable improvement in thinners and herbicides within the past several years and that representations to the contrary by the sugar companies are merely to induce farmers, who would like to avoid the many problems involved in employing hand labor, to begin or to remain in beet production. Hence, mechanization is unlikely to make the migrant farm worker's plight a moot question in the foreseeable future.

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[31] *Id.* at 8.
[32] *Id.* at 24.

In considering possible solutions to the problems facing migrant farm workers, particularly in Colorado, the focus will be on sugar beets, for the following reasons. In Colorado, there are almost four times as many workers employed in sugar beet production as in any other crop,[33] and, during the peak period, workers in sugar beets account for over half the work force;[34] there appears to be little likelihood that the number of persons employed in sugar beet production will decrease significantly in the next several years; and improvements in wages and other working conditions in beets are likely to be reflected in similar improvements in those associated with other crops.

A. Wages—Rates

Under the Sugar Act of 1948,[35] wages for labor in sugar beet production are determined by the Secretary of Agriculture on the basis of annual regional hearings.[36] As of 1967, producers of sugar beets are given the option of paying on a time basis ($1.40 per hour) or on a piecework basis.[37] Payment of these rates is effectively ensured by requiring producers to give evidence of compliance as a prerequisite to receiving annual sugar payments.[38]

These annual hearings, which provide the basis for the wage determination, are dominated by sugar processors and producers, although Acting Secretary of Agriculture John Schnittker, in his report on the 1967 wage determination, does indicate some representatives of labor did appear at the hearings.[39] Given the fact, however, that there is presently no organization of sugar beet workers whatsoever, it is hardly likely that the individual workers who testified were particularly effective against the larger, more sophisticated representation of producers and processors. Furthermore, the former field man for the Great Western Sugar Company with whom I spoke informed me that he was instructed by his employer to bring in the work sheets of four or five workers who had been able to earn the highest hourly wage at the prevailing piecework rates; these work sheets, together with others produced by other field men, were used as evidence at the hearings to show the adequacy of the present rate. Thus, the workers are not only prejudiced at the wage hearings by not having their interests adequately represented, but also by the fact that what evidence is presented is often designed to produce an inaccurate conception

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[33] In 1966, during the peak demand period for labor in sugar beets, 8,600 workers were employed, as compared with 2,300 in the peak period of potatoes, the crop using the next highest amount of labor. *Id.* at 9.

[34] *Id.* at 8-9.

[35] 7 U.S.C. §§ 1100-1161 (1964).

[36] 7 U.S.C. § 1131(c)(1) (1964); 7 C.F.R. § 802 (1966); 32 Fed. Reg. 5458 (1967).

[37] 32 Fed. Reg. 5458 (1967).

[38] 7 U.S.C. § 1131 (1964); 32 Fed. Reg. 5459 (1967).

[39] 32 Fed. Reg. 5460 (1967).

Labor Peace Act,[49] which would be unnecessary if employers of farm labor were in no way affected by chapter 80. It seems arguable that, in addition to those articles of chapter 80 specifically including employers of agricultural labor, the following relevant articles also cover such employers: articles 3 (wage equality regardless of sex), 5 (employer's liability), 7 (minimum wages of women and children), 11 (labor relations generally), 15 (assignment of wages), 16 (preferred claims), and 21 (antidiscrimination in employment). Not only does it hardly seem possible that the legislature intended to exclude agricultural labor from the benefits of these articles, but for it to have done so would probably constitute a violation of the fourteenth amendment of the United States Constitution.[50] It is inconceivable that as to these specific articles there could be any reasonable basis for such an exclusion. In particular, section 1 of article 7 states as follows:

> The welfare of the State of Colorado demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals, and it is therefore hereby declared . . . that inadequate wages and unsanitary conditions of labor exert such pernicious effect.[51]

Inadequate wages are defined in article 7 as those "which are inadequate to supply the necessary cost of living, and to maintain in health the women so employed."[52] Is it possible to draw the necessary rational distinction —in light of these objectives—between women employed in agricultural labor and those employed elsewhere to constitutionally exclude the former from the protections afforded by article 7 of chapter 80?[53]

If, then, women and minors employed in farm labor are covered by article 7, the Industrial Commission of Colorado is required, upon a complaint by "twenty-five persons engaged in any occupation in which women or minors are employed,"[54] to undertake an investigation to ascertain whether the wages paid are inadequate; and, regardless of any complaint, the Commission is required to "ascertain and determine . . . the minimum wages sufficient for living wages for women and minors of ordinary ability, including minimum wages sufficient for living wages, whether paid according to time rate or piece rate . . . ."[55]

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[49] Colo. Rev. Stat. Ann. § 80-4-2(3)(a) (1963).

[50] *See* Smith v. Cahoon, 283 U.S. 553, 566 (1931); Mayhue v. City of Plantation, 375 F.2d 447 (5th Cir. 1967).

[51] Colo. Rev. Stat. Ann. § 80-7-1 (1963).

[52] Colo. Rev. Stat. Ann. § 80-7-3 (1963).

[53] As further evidence that it was not the intention of the Colorado legislature to exclude agricultural labor from coverage under article 7, section 6 specifically states that "'occupation' as used in this article shall be so construed as to include *any and every* vocation, trade, pursuit and industry." Colo. Rev. Stat. Ann. § 80-7-6(1) (1963) (emphasis added).

[54] Colo. Rev. Stat. Ann. § 80-7-4 (1963).

[55] Colo. Rev. Stat. Ann. § 80-7-5 (1963).

Once the Commission sets minimum wages for women and minors, article 3 of chapter 80 (requiring wage equality regardless of sex),[56] and, under certain circumstances, title VII of the 1964 Civil Rights Act, section 703(a)(1),[57] demand that they also become the minimum wages for men employed in agricultural labor. Although it is unlikely that the Industrial Commission would set wages at a rate higher than that set by the Secretary of Agriculture for sugar beets,[58] or even any higher than the wages required to be paid under the Fair Labor Standards Act,[59] it is possible. Moreover, there might be employers who are not covered by either of these acts who would be covered under article 7.[60] Even if an employer should be covered by both federal statutes, there would be additional state enforcement machinery available under article 7: the failure to pay the minimum wage prescribed by the Industrial Commission, at least to women and minors, might result in criminal prosecution;[61] and the Industrial Commission is required to investigate complaints and undertake whatever proceedings are necessary to enforce payment of back wages in cases of violations.[62] These are more than merely academic protections.

B. Wages—Enforcement

Once the wages for agricultural workers have been set at a reasonable rate either by the Secretary of Agriculture under the Sugar Act of 1948, by the Industrial Commission of Colorado under article 7 of chapter 80 of the Colorado Revised Statutes, or pursuant to the Fair Labor Standards Act, there remain two basic problems in relation to wages: first, to make sure that the required minimum is actually paid; and, second, that it is received.

The Sugar Act of 1948 requires, as a condition to receiving sugar payments,

> That all persons employed on the farm in the production . . . of sugar beets . . . with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those . . . determined by the Secretary to be fair and reasonable . . . .[63]

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[56] Colo. Rev. Stat. Ann. § 80-3-2 (1963).

[57] 42 U.S.C. § 2000e-2(a)(1) (1964).

[58] *See* note 1 *supra.*

[59] 29 U.S.C. §§ 201-19 (Supp. II 1966) ($1.00 per hour in 1967).

[60] *See* Colo. Rev. Stat. Ann. § 80-1-3(4)(d) (1963) ("employers who employ less than four employees regularly" not covered by chapter 80).

[61] Colo. Rev. Stat. Ann. § 80-7-15 (1963). *But see* Casey v. People, 139 Colo. 89, 336 P.2d 308 (1959).

[62] Colo. Rev. Stat. Ann. §§ 80-7-17, -18 (1963).

[63] 7 U.S.C. § 1131(c)(1) (1964).

of what the average worker is able to make at the present rate. The result is a minimum piecework rate which, in circumstances when the minimum rate is necessary, is inadequate.

Under favorable working conditions, such as those prevailing this summer in Delta, Colorado, the required minimum wage merely provides a framework in which the bargaining between the farmer and the worker takes place. Workers under these conditions have sufficient bargaining power to ensure that minimum piecework rates are paid only when they yield an hourly wage at least equal to the hourly minimum of $1.40. If the minimum piecework rate yields less than that, experienced workers will refuse to work unless a higher piecework rate is paid. And they are successful.

The minimum wage becomes particularly relevant and necessary when the grower, but for the minimum, would be able to pay less than that rate for his labor; such was the situation in Fort Lupton this summer, when there was a surplus labor force, most of whom had no savings either in money or food, and relatively little work was available. In this atmosphere, a producer with a particularly weedy field will be able to get labor for weeding at the $8.50 per acre minimum required for that operation, although the hourly yield may be as low as $.75. Yet, that is all that is required of the producer to qualify for sugar payments. The adequacy, then, of minimum wages must not be measured in reference to conditions in which they are unnecessary, but in reference to conditions in which they are a necessary protection to the worker; and, under those conditions, they are inadequate.

There are several ways in which the present wage regulations for sugar beets might be improved. In order of desirability, they are as follows. First, if the Secretary of Agriculture has determined that $1.40 per hour is a fair and reasonable hourly wage for working sugar beets, as he has for 1967,[40] then that is what a worker should get. Present regulations permit the producer to pay either on an hourly basis or at a piecework rate, and, as a practical matter, the rate paid is the latter.[41] The best arrangement would be to permit the worker, not the producer, to have his choice of the piecework rate or the hourly rate, whichever is greater. The next best arrangement would be to require the producer to pay at least the hourly minimum wage rate, as is now required by the Secretary of Agriculture of producers of sugar cane in Florida.[42] A third suggestion, in the absence of a prescribed hourly minimum by the Secretary of Agriculture, would be at least to require, as a condition to receiving sugar payments, proof of compliance with the Fair Labor Standards Act[43] by covered producers,[44] the burden of proving non-coverage to be upon the producer.

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[40] 32 Fed. Reg. 5458 (1967). It should be noted, however, that at $1.40 per hour, working 50 weeks for eight hours a day (which is extremely unlikely) a worker would have an annual income of $2,800, hardly a living wage.

On October 26-28, 1967, the Inter-Agency Committee on Mexican American Affairs sponsored unprecedented cabinet hearings in El Paso, Texas [hereinafter referred to as the "Cabinet Hearings"]. Cabinet members attending were Orville L. Freeman, W. Willard Wirtz, John W. Gardner, Robert C. Weaver and Sargent Shriver, each of whom conducted separate simultaneous hearings at which eight persons were invited to testify. Testimony was heard on the afternoon of October 27, and that evening round table discussion groups met to discuss the papers that had been presented that day. On the morning of October 28 each discussion group, through its chairman, announced specific recommendations agreed upon by the group.

I was invited to testify before Secretary of Agriculture Orville Freeman concerning the problems of migrant farm workers in sugar beets. The discussion group which considered my presentation recommended to Secretary Freeman that the minimum hourly wage for workers in sugar beets be raised to $2.00 per hour in 1968.

In addition to the federal laws relating to minimum wages for migrant workers, it is this writer's view that the Industrial Commission of Colorado has the authority to establish minimum wages for children and minors employed in agricultural labor,[45] although Mr. James M. Shaffer, Chairman of the Commission does not believe that it has such authority.[46] The basis for the latter view is section 80-1-3(4)(d) of the Colorado Revised Statutes, which states: "This chapter is not intended to apply to employers of . . . farm . . . labor. . . ." Perhaps the legislature did not intend that chapter 80 apply to employers of farm labor, but its intent appears to be wholly inconsistent with other language of the chapter that *does,* quite explicitly, apply to such employers. For example, article 6, the Child Labor Law, prohibits the employment of children under twelve years of age in agricultural labor;[47] and article 8, covering wages, regulates certain payment practices of agricultural labor contractors.[48] On the other hand, agricultural labor is explicitly exempted from coverage under the

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[41] 32 Fed. Reg. 5460 (1967) (report of Acting Secretary of Agriculture John Schnittker).

[42] 7 C.F.R. § 863.18(a)(1)(iii) (1966) ("[T]he hourly rate of earnings of each worker employed on piecework [rates] . . . shall average . . . not less than the applicable hourly rate prescribed in . . . this subparagraph.")

[43] 29 U.S.C. §§ 201-19 (Supp. II 1966). *See generally* notes 24-35 *supra* and accompanying text.

[44] As to which producers are covered, see note 25 *supra.*

[45] Colo. Rev. Stat. Ann. § 80-7-1 *et seq.* (1963).

[46] Telephone interview in June, 1967. On October 20, 1967, in a later telephone interview with Mr. Richard Moss, Executive Secretary of the Industrial Commission, he stated the Commission had never been faced with the problem of setting minimum wages for women and minors in agriculture since there had never been any complaints. *But see* Colo. Rev. Stat. Ann. § 80-7-5 (1963). He further stated that it was his private view that the Commission *would* have authority to set minimum wages for women and minors employed in agriculture but that a final determination could only be made after full consideration, which would not occur until a complaint had been received.

Nor would the setting of such minimum wages by the Colorado Industrial Commission be in conflict with either the Sugar Act of 1948 or the Fair Labor Standards Act. 32 Fed. Reg. 5458 (1966); 29 U.S.C. § 218 (Supp. II 1966).

[47] Colo. Rev. Stat. Ann. § 80-6-3(1)(b) (1963).

[48] Colo. Rev. Stat. Ann §§ 80-8-1(7), -2(3), (4) (1963).

In the regulations adopted pursuant to this section, the producer is required to keep "such wage records as will fully demonstrate that each worker has been paid in full in accordance with the requirement of this section."[64] The importance to the producer of receiving sugar payments adequately assures compliance on his part in *paying* the wages required of him by law. The problem arises when contractors are used as a conduit for payment of these wages to the workers—somehow they decrease in amount between the time the farmer pays and the worker receives. But how is it possible for the contractor to pass on an amount to the workers which is less than the required minimum, when the regulations established by the Secretary of Agriculture require proof by the producer that "each worker has been paid in full?" The answer is depressingly simple: the requisite proof is merely a signed statement by all the workers and the contractor that the former have been paid and the latter has paid in full. Proof of the amount paid each worker and the acreage each has worked is not required.[65] The irony is that the solution to the problem is just as simple. Require the farmer to pay each worker personally. If this were made a prerequisite to receiving sugar payments, the worker would be effectively assured of receiving a fair wage, assuming that the wage rate which has been set is reasonable, and it would not cost the producer a penny more than he is now paying. Whatever small administrative inconvenience this requirement may entail to the producer hardly justifies the discrepancy that exists between what the farmer pays and what the worker receives when the farmer delegates the responsibility of payment to a contractor.

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[64] 32 Fed. Reg. 5459 (1966).

[65] When talking with Mr. Larson, we went through his records to verify his recollection that he paid the workers $1.00 per row. The only records that he had of the field in which I worked was a single sheet signed by all the workers indicating that we had received full payment for our work and signed by Nato Martinez indicating that he had paid us in full. That, of course, was true; but it was also meaningless. There was no way to ascertain from these records whether we had been paid in full *"in accordance with the requirements of"* the Sugar Act, *i.e.*, the requisite minimum wage. Mr. Larson informed me that the use of such a form was the custom and not merely an individual aberration. In November, 1967, in a telephone interview with Mr. Myron Fritzler of the Agricultural Stabilization and Conservation Service, United States Department of Agriculture, in Denver, he stated that if the grower is able to prove that the workers have authorized the contractor to collect wages for them and if the amount paid to the contractor, divided by the number of acres worked, is equal to or more than the required minimum, that is all the proof required under the Act. Nevertheless, I am firmly convinced that growers generally do pay the minimum piece work rate prescribed by the Secretary of Agriculture.

One apparent solution, then, to the problem of exploitation by the contractor is to include in the statements signed by the workers the acreage worked and the amount paid. This, however, would still be unsatisfactory since I have no doubt that if this were required, the contractor would merely falsify the work sheets eventually submitted so they would be consistent with the rate paid by the grower.

In addition to the conditional payment provisions,[66] there is other authority under the Sugar Act of 1948 for the Secretary of Agriculture to require the producer to pay each worker directly. Section 1159 of the Act empowers the Secretary, after conducting an investigation, "[t]o make recommendations with respect to . . . (b) the terms and conditions of contracts between laborers and producers of sugar beets . . . ."[67]

Another means of enforcing compliance with minimum standards of pay would be for the Wage and Hour Division of the United States Department of Labor to take an active, rather than its currently passive, role in enforcing the Fair Labor Standards Act. Given Wage and Hour's present attitude, it would be better not to have agricultural labor covered under the Fair Labor Standards Act than to have coverage which is meaningless. There is nothing which so deservedly places the law in disrepute than to have it clearly violated, the fact of violation brought to the attention of the proper authorities, albeit not on the proper forms, and then to have nothing whatever done about it.

Wage and Hour first ought to undertake an educational campaign, communicating to producers the extent of coverage of the Fair Labor Standards Act, especially the fact that an otherwise exempt farmer might lose his exemption by employing a covered contractor.[68] My impression is that unless informed of this legal subtlety, most producers would be unaware of it and many would unwittingly violate the Act. Furthermore, Wage and Hour ought to advise producers that another effect of considering the farmer and contractor as joint employers is that violation of the Act by one will also be considered a violation by the other, so that a farmer cannot escape liability by merely paying the minimum wage to the contractor if the contractor pays less than the minimum to the workers.

A second program which must be undertaken by the Wage and Hour Division is to begin making their own investigations in agricultural areas, either in the fields or in the camps, to ascertain whether or not the minimum wage is being paid; and if violations are found, to see to it that back wages are forthcoming. To have these programs undertaken is agricultural labor's right "unless the recent amendments be splendid baubles, thrown out to delude those who deserved fair and generous treatment at the hands of the nation."[69]

Another recently enacted statute which vies with the Fair Labor Standards Act for impotence is the Farm Labor Contractor Registration Act of 1963,[70] which requires farm labor contractors to obtain a certificate of registration from the regional director of the Bureau of Employment Security, United States Department of Labor, as a condition to engaging in the activities of a farm labor contractor.[71] Grounds for revocation of the certificate, or for refusal to issue a renewal, include "[k]nowingly . . . [giving] false or misleading information to migrant workers concerning the terms . . . of agricultural employment."[72] In addition to suspension of the certificate, the contractor is also subject to a fine of not more than $500 for willful violations of the Act.[73] How is it then, when every migrant worker knows the contractor falsely states the piecework rate the farmer is supposedly paying, that certificates are never revoked or fines imposed? The answer is that renewals are issued as a matter of course, without investigations; and investigations would not be conducted unless a complaint were filed with an office of the State Employment Service. But how is a worker to find out, with the certainty required to file a complaint, that misrepresentation has been made to him by the contractor? Moreover, for the same reasons workers are reluctant to file complaints against the contractor for violation of the Fair Labor Standards Act, discussed above,[74] they will also be reluctant to file complaints against him for violation of the Farm Labor Contractor Registration Act. Here is another "splendid bauble" which will remain such until the Bureau of Employment Security stops waiting to be told about violations and goes out to find them.[75]

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[66] 7 U.S.C. § 1131 (1964).

[67] 7 U.S.C. § 1159 (1964); 7 C.F.R. § 802.9 (1967).

[68] *See* note 25 *supra.*

[69] Civil Rights Cases, 109 U.S. 3, 48 (1883) (Harlan, J., dissenting).

[70] 7 U.S.C. §§ 2041-2053 (1964). For the ill-fated history of an attempt at similar legislation in Colorado, see Parkinson & Harper, *The Law and Migrant Agricultural Workers,* 38 Dicta 341, 351 (1961).

The foregoing discussion should make it evident that there is a basic cancer in the wage system for migrant farm workers, and that cancer is the contractor. My experience with Nato Martinez was not the exception, but the rule. It is common knowledge among migrant workers that the farmer always pays more than the contractor says he pays. The only thing I know that the rest of the workers did not, in reference to Mr. Larson's field, was how much more. Enforcement of the above regulations would make it possible to minimize the contractor's opportunity for exploitation; the best solution would be to eliminate him entirely.

The first step in this direction would be for the Colorado Department of Employment, Farm Placement Office, to refuse to recruit workers through contractors, and recruit only family heads or individual workers. Such a policy would have a great impact since the Farm Placement Office, in 1967, recruited both interstate and intrastate for all three sugar companies operating in Colorado—Great Western, Holly, and American Crystal.[76] In addition to using the Farm Placement Office, Great Western and American Crystal do their own recruiting and they could, if they would, follow the same policy of refusing to recruit through contractors.

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[71] 29 C.F.R. § 40.3 (1966).

[72] 7 U.S.C. § 2044(b)(2) (1964); 29 C.F.R. § 40.10(c)(3) (1966).

[73] 7 U.S.C. § 2048 (1964).

[74] *See* text at p. 61 *supra*.

[75] Perhaps the lack of enforcement of the Farm Labor Contractor Registration Act in this area is explained by the fact that the agency entrusted with its enforcement, the Bureau of Employment Security, United States Department of Labor, has one man for a four-state area, Colorado, Wyoming, Utah and New Mexico, whose job it is to investigate complaints of violations of the Act. Telephone interview with Mr. Daum of the Bureau of Employment Security, United States Department of Labor, Denver Office, November 16, 1967.

Furthermore, beyond the initial recruitment, the other sugar companies could do as Holly Sugar has done in Delta and usurp the function of the contractor by having the field man place families or individuals with farmers instead of merely working through the contractors as they do at present. It is true that this makes things more difficult for the field man and causes some inconvenience to the farmer; but the latter, if for no other reason, ought to support such a change because of the economic advantages inherent in dispensing with the parasitic middle man.[77]

Another way in which contractors could be put out of business would be for the state farm employment offices, located in every agricultural community in Colorado, to begin to serve some useful function. These offices could become clearing houses for agricultural labor, hiring halls where farmers in need of workers and workers in need of jobs could go to find one another.

If all of the above steps were taken, there would be no need to prohibit the existence of contractors; it would no longer be possible for them to make a living.

C. *Housing*

As I was leaving the labor camp in Fort Lupton, I stopped by the office to ask Kathy the reason for my eviction. In the course of our conversation, I asked her why the families living in the camp could not be furnished with mattresses and decent-sized tables. Her reply was that they would slash the mattresses and break the tables. Yet I had just come from Delta where these were supplied and were not destroyed. Furthermore, a new camp built last year in Manzanola has met with such great success that a group of farmers in nearby Granada have constructed another new camp this year, consisting of seventy-two units. The truth is that when good housing is provided it is cared for; unfortunately, the attitude expressed by Kathy in Fort Lupton reflects the attitude of all too many people in this state, which attitude becomes the excuse for providing wretched housing. And, when wretched housing is provided, it is cared for accordingly, thus further entrenching erroneous preconceptions.

The State Department of Public Health, in 1962, promulgated sanitary standards and regulations for industrial camps pursuant to authority granted under Colo. Rev. Stat. Ann. § 66-1-7(14) (1963),[78] which regulations apply to living quarters "for five or more seasonal or temporary workers engaged in . . . agricultural activities. . . ." These regulations provide, *inter alia*, for a separate room for kitchen use, which obviously is being violated by the Weld County Housing Authority in Fort Lupton. The regulations also require that toilet, lavatory, shower and laundry facilities be provided, which requirement is being openly violated in countless labor camps in the state, particularly many of those located in the Arkansas Valley.

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[76] Telephone interview with Mr. M. Pacheco of the Farm Placement Office, October 20, 1967.

[77] *See* text accompanying note 20 *supra*.

[78] *See also* Colo. Rev. Stat. Ann. § 66-1-8(5) (1963).

In a telephone interview, William Taylor of the State Department of Health very candidly confessed that these regulations are not being enforced by the Department, mainly because the legislature has not authorized the imposition of any meaningful sanctions against violators.[79] The only present method of enforcing minimal health standards is to condemn the housing under section 66-1-7(5), which provides for the abatement of nuisances, a sanction which the Department of Health is reluctant to use because of the view that poor housing is better than no housing at all. This view is questionable since it is obviously to the farmer's advantage to have housing for workers; were the threat of condemnation a real one, regulations set by the Department would more likely be observed.[80]

One other method of enforcing standards set by the Department of Health is to be found in the Colorado Farm Labor Report, which states: "All employer orders requesting recruitment either intra or interstate were required to meet the housing requirements established by the Colorado State Department of Public Health."[81] Probably the most wretched housing to be found anywhere in the state is a place called "Wilkins Village," located north of Las Animas and owned by E. L. Wilkins. This housing has not met the requirements set by the State Department of Health for the past several years, including 1966, the date of the Farm Labor Report, although workers and their families have continued to occupy it.[82] The effectiveness of the above-quoted statement of policy by the Colorado Department of Employment, Farm Placement Service, is to be tested in light of the fact that in 1966 the Farm Placement Service recruited workers for E. L. Wilkins.[83]

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[79] In Casey v. People, 139 Colo. 89, 336 P.2d 308 (1959), the court held that Colo. Rev. Stat. Ann. § 66-2-14 (1953), making it a misdemeanor to knowingly violate a regulation of the Department of Health, was an unconstitutional delegation of the power to define a crime to the executive department. For an account of an unsuccessful attempt to rectify this defect, see Parkinson & Harper, *supra* note 70, at 350. The provision found objectionable in *Casey* was carried over in Colo. Rev. Stat. Ann. § 66-2-14(4) (1963). *See also* Colo. Rev. Stat. Ann. § 66-1-14(4) (1963).

[80] Mr. Taylor is of the opinion that this is not so. Farmers, he said, even under a real threat of condemnation, will not make the improvements necessary for compliance with health regulations. He said that this is because farmers are somehow under the impression that if their housing is shut down, facilities for the migrants will be found elsewhere, either in town, in tents, or under trees. They simply will not, he maintains, spend any money to rehabilitate housing.

[81] Colorado Farm Labor Report 26 (1966). Under the regulations adopted pursuant to the Wagner-Peyser Act, 29 U.S.C. § 49 (1964), the federal government requires such a policy by the state employment office. 20 C.F.R. § 602.9(d) (1966).

What is obviously needed is that the state legislature put some teeth in the health laws relating to farm labor camps.[84] Until that happens,[85] it would be desirable if the sanctions presently available were utilized.

The Secretary of Agriculture also has authority to require that producers who undertake to provide housing for their workers, as a condition to receiving sugar payments, provide housing which is adequate. This authority is found under sections 1131(c)(1) (relating to wages) and 1159 (relating to the contract between the laborer and producer) of the Sugar Act of 1948.[86] This authority, however, has not heretofore been exercised by the Secretary in the area of housing, a part of the migrant's life which is surely as important as the wages he is paid.

D. Exclusion from Protection Under Federal and State Law

The major piece of federal legislation from which agricultural labor is excluded is the National Labor Relations Act.[87] Whether or not unions are the answer, or even a partial answer, to the problems of the migrant farm worker is an extremely complex question which I am not prepared to answer. But it is also an irrelevant question in determining whether or not the exclusion of agricultural labor from the benefits enjoyed by their industrial brethren should be continued. Whether or not to unionize is a decision to be made by the migrant. Whether or not he is to have that choice is a decision to be made by Congress. And to have that choice is a right which the agricultural worker has too long been denied.

On the state level, the agricultural worker is excluded in Colorado regulations apply to living quarters "for five or more seasonal or temporary workers engaged in . . . agricultural activities. . . ." These regulations provide, *inter alia,* for a separate room for kitchen use, which obviously is being violated by the Weld County Housing Authority in Fort Lupton. The regulations also require that toilet, lavatory, shower and laundry facilities be provided, which requirement is being openly violated in countless labor camps in the state, particularly many of those located in the Arkansas Valley.

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[82] In a letter to Mr. Wilkins of August 28, 1967, from Robert A. Downs, Director of the State Migrant Plan for Public Health Services, Mr. Wilkins has been instructed not to use the camp after this season unless violations are corrected.

[83] Telephone interview with Mr. M. Pacheco of the Farm Placement Service, October 20, 1967.

[84] "Teeth" in this instance might mean enacting the regulations into law, thus avoiding the problem found in *Casey*; or it might mean giving the Department of Health the power to have violations corrected at the expense of the owner. It must be noted, however, that no matter how many teeth are put into a health code, enforcement procedures still render this an unsatisfactory method of providing decent housing for migrant workers. Much of the housing, in fact, is no longer capable of being rehabilitated. What is needed is public housing, or private cooperative housing financed through F.H.A. loans, as was done in Granada. For an interesting development in low cost housing for agricultural workers, see Life, November 3, 1967, at 88.

[85] *But see* note 79 *supra*.

[86] 7 U.S.C. §§ 1131(c)(1), 1159 (1964).

[87] 29 U.S.C. § 152(3) (1964). *See* Givens, *Legal Disadvantages of Migratory Workers*, 16 Lab. L.J. 584, 586-89 (1965), for an argument that the exclusion is violative of the due process clause of the fifth amendment of the United States Constitution. *See generally* Morris, *Agricultural Labor and National Labor Leg-*

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On the state level, the agricultural worker is excluded in Colorado from the Labor Peace Act,[88] Workmen's Compensation,[89] Employment Security (unemployment insurance),[90] and, at least as regards the migrant worker, Welfare.[91] Basically the Labor Peace Act is the state's equivalent of the National Labor Relations Act, and the desirability of excluding agricultural labor therefrom need not be discussed further.

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[82] In a letter to Mr. Wilkins of August 28, 1967, from Robert A. Downs, Director of the State Migrant Plan for Public Health Services, Mr. Wilkins has been instructed not to use the camp after this season unless violations are corrected.

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[86] 7 U.S.C. §§ 1131(c)(1), 1159 (1964).

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As to the remainder of the exclusions, they are all undesirable and ought to be ended by the legislature. A few words in reference to Workmen's Compensation and Employment Security are, however, in order.

In September, 1967, I went to Center, in the San Luis Valley, to visit Frank Pebeahsy and his family who were there for the potato harvest. While there, I had occasion to work for a short period on the back of a mechanical potato harvester, reaching in among the rollers to pick out weeds. It was obvious that the designer of the machine had been much less concerned about the safety of those working on it than its efficiency in harvesting potatoes, which was indeed impressive. As more and more machines are used in agriculture, more and more workers will be maimed or killed; and yet these workers, the least able to afford the casualty, are not covered by workmen's compensation. That is shameful.

As I have attempted to point out, one of the regular features of agricultural labor is sporadic employment. For one reason or another most workers will have days or weeks during a season without work. Yet, those most vulnerable to employment insecurity are excluded from unemployment insurance coverage. That is also shameful.

E. Legal Services

Not only are the agricultural workers invisible, living out on the farms or in secluded labor camps, but they are also silent. This silence may be attributed to several factors, one of which is *not* contentment. One reason for the silence is that their voice is not sought by those who seek the voice, and the vote, of other segments of the population—the politicians. This is because migrant workers, who are not residents of Colorado, cannot vote here.[92] Other reasons for the silence are: (1) for the most part, agricultural workers are unaware of the few rights available

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islation, 54 Calif. L. Rev. 1939 (1966); Britton, *Open Sky Sweat Shops,* 1 Houston L. Rev. 131 (1963); McDaniel & Gordon, *Comment: Agricultural Labor Relations—The Other Farm Problem: A Rebuttal,* 15 Stan. L. Rev. 616 (1963); Comment, *Agricultural Labor Relations—The Other Farm Problem,* 14 Stan. L. Rev. 120 (1961).

[88] Colo. Rev. Stat. Ann. § 80-4-2(3)(a) (1963).

[89] Colo. Rev. Stat. Ann. § 81-2-6(4) (1963).

[90] Colo. Rev. Stat. Ann. § 82-1-3(8)(a) (1963).

[91] Colo. Rev. Stat. Ann. §§ 119-3-8, -9, (state residency requirement of three years), 119-3-10 (1963) (county residency requirement of six months). Similar residency requirements in Delaware and Connecticut have recently been declared unconstitutional. Green v. Department of Pub. Welfare, 270 F. Supp. 173 (D. Del. 1967) (three-judge court); Thompson v. Shapiro, 270 F. Supp. 331 (D. Conn. 1967) (three-judge court).

[92] *See generally* Givens, *supra* note 87, at 593.

to them and thus do not complain when these are violated; (2) even if aware of the denial of rights, they have, with reason, sufficiently little faith in the legal structure to hope for redress; (3) even if they should seek redress, language barriers prevent articulation of grievances; (4) there is no one who will champion their cause to whom they can turn for satisfaction.

Colorado is in desperate need of a rural legal assistance program, such as the California Rural Legal Assistance program funded by OEO, to take an aggressive and creative role in educating the entire rural populace generally, and the agricultural workers in particular, as to their legal rights; and then to actively seek redress when infringement of these rights occurs.[93] As this article has pointed out, most of those rights to which the agricultural worker is entitled are dependent upon the action of some state or federal bureau. It is a fact of life, of which the agricultural worker is only too well aware, that bureaucracies do not act of their own accord—but only when pushed to action. It is necessary that legal services be made available to the farm worker to perform that function.

III. CONCLUSION

A summary of my proposals is as follows.

1. The Secretary of Agriculture should require that workers in sugar beets be given their choice of the hourly or piece rate minimum, whichever is greater; but in no case should the producer be permitted to pay less than the hourly minimum.

2. The Colorado Industrial Commission should set minimum wages for women and children employed in agricultural labor.

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[93] The author is currently engaged in drafting a proposal to the OEO for the funding of such a legal services program, a brief outline of which follows:

The Colorado Migrant Council has established four regional offices in Grand Junction, Alamosa, La Junta and Greeley. It was my thought that a legal services program should work very closely with the Council, establishing offices in the same areas. The Council has imaginative, aggressive people on its staff who are making significant inroads in the areas of community organization and education. By establishing regular lines of communication with the Council, the legal services program would be educated as to the needs of the community it is to serve, have clients fed to it by Council employees working in the community, and, by taking an active part in the Council's adult education program, have the opportunity to apprise people in the community of their legal rights. I have already been assured by Pete Mirelez and Tomás Atencio of the Council's complete cooperation with a Colorado rural legal assistance program.

Although the number of attorneys needed requires extensive investigation, I envisage about five permanent staff attorneys assigned to each office, each office also to be supplied with one mobile unit for riding circuit in the region. During the summer, with the influx of migrant workers, the staff of each office would be augmented by five or six law students from the University of Colorado School of Law.

I would welcome suggestions and comments from interested members of the bar throughout Colorado.

3. The Secretary of Agriculture should require producers of sugar beets to pay workers directly.

4. The Wage and Hour Division of the United States Department of Labor should take a far more active role in enforcing the Fair Labor Standards Act, including the education of growers and workers as to the scope of the act and independent investigations to determine the existence of violations.

5. The Bureau of Employment Security of the United States Department of Labor should enforce the Farm Labor Contractor Registration Act of 1963, particularly that portion of the Act relating to misrepresentation by the contractor to his workers of the terms of employment, by undertaking their own investigations to discover violations.

6. The Colorado Department of Employment, Farm Placement Office, should cease recruiting through contractors and recruit only heads of families or individual workers. Those companies which undertake their own recruitment should do the same.

7. Local State Employment Offices ought to begin to serve some useful function in the area of farm labor by becoming clearing houses where farmers in need of workers and workers in need of jobs can go to find one another.

8. The Colorado legislature should enact into law the regulations applicable to labor camps adopted by the Colorado Department of Health so that criminal sanctions would be available to enforce compliance with minimal standards of health and decency.

9. The Colorado Department of Employment, Farm Placement Office, should do as it says it does and stop recruiting for growers who do not meet the standards set by the Colorado Department of Health for the housing of workers.

10. The Secretary of Agriculture should require that, as a condition to receiving sugar payments, producers who undertake to provide housing for their workers must provide housing which is adequate.

11. Congress should amend the National Labor Relations Act so as to include agricultural labor .

12. The Colorado legislature should extend to agricultural labor the protections afforded other workers by removing the exemption of agricultural labor from the Labor Peace Act, Workmen's Compensation and Employment Security.

13. The Colorado legislature should remove the requirement of residency as a condition to eligibility for welfare programs.

14. The Colorado bar should support and aid in the development and implementation of a vital, creative statewide rural legal assistance program.

The adoption of these proposals would merely alleviate rather than eliminate the dreadful working and living conditions of the migrant worker. Essentially, the plight of the migrant is not a legal problem but an economic and social problem. It is economic because the migrant worker is engaged in an industry which is chronically ill—agriculture. The migrant worker merely suffers the most from the illness. It is a social proble because the migrant, due to a lack of education and training, is condemned to that life of suffering.

In the long run, the only solution to the problem of the migrant worker is the elimination of the institution. Through a combination of farm consolidation, increased mechanization and higher wages for the relatively few workers that are still needed, the migrant will eventually disappear. As farm jobs become more attractive and demand greater technical skill, local residents will fill them.

The major long run problem, a problem hardly touched upon in this article, is that of educating and relocating the migrant worker so that the deleterious effects of the inevitable displacement of man by machine can be minimized. It is a problem, however, which has not been entirely ignored. Programs such as the Colorado Migrant Council, which concentrate on the education of the migrant and his children, have been developed throughout the Southwest.

Nevertheless, there will be migrant workers in this area for at least the next fifteen to twenty years, and the short run problems discussed in this article cannot be ignored. There are things which can and must be done during this period to make the life of the migrant worker and his family more bearable. At the Cabinet Hearings in El Paso, Roberto Valenzuela testified with me before Secretary Freeman and asked the Secretary a particularly poignant question: "Why is it that in a country which has so much, our children go hungry?" It is a question which the Secretary did not answer, yet it is a question which must be answered. There is no excuse for a country as rich as ours to have within it hard working people who are so poor.[94]

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[94] In regard to the joint employer concept as it relates to the coverage of agricultural employers under the Fair Labor Standards Act discussed in note 25, *supra*, Mr. Clarence Lundquist, Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor, in a letter dated December 29, 1967, and received immediately prior to publication of this article, takes the following position. The only effect of the joint employer concept is that when a laborer is employed jointly by a farmer and a contractor, the man-days worked will be counted against each employer in determining whether or not he has met the 500 man-day requirement. If the farmer is not himself covered, however, he will not be liable for noncompliance by a contractor joint employer who is. *But see* 29 C.F.R. §791.2 (1967) ("all joint employers are responsible, both individually and jointly, for compliance with all of the applicable provisions of the act").

EDUCATION IN ACTION PROPOSAL

Most people today are aware that migrant farm workers are paid dismally low wages and live in wretched housing. These, of course, are economic and social problems. What most people are not aware of, however, is that these economic and social problems may in part be legal problems as well.

In the course of preparing an article on the subject of migrant farm workers and the law, a copy of which is attached hereto, the author identified the following relevant federal and state laws:

1. Fair Labor Standards Act, as amended in 1966 (Federal), providing for minimum hourly wages for agricultural workers under certain conditions;
2. Federal Sugar Act of 1948, providing for minimum wages for workers employed in the production of sugar beets, the major crop utilizing hand labor in Colorado;
3. Farm Labor Contractor Registration Act of 1963 (Federal), providing for protection of farmworkers against certain abuses by labor contractors;
4. Colorado labor legislation also providing for limited regulation of labor contractors;
5. Colorado labor legislation which arguably authorizes the establishing of minimum wages for women and children employed in agriculture;
6. Wagner-Peyser Act (Federal), providing that workers cannot be recruited interstate unless adequate housing is provided by employers for whom workers are recruited;
7. Colorado housing regulations applicable to migrant worker housing;
8. Federal Food Stamp Program, providing for limited welfare benefits for migrants, excluded because of residency requirements from other welfare.

This is a striking number of laws which, according to their terms, give substantial protection to a group of people who would appear to have relatively little influence in the United States Congress and the Colorado legislature; and yet they were passed. The existence of the laws, however, does not give an adequate picture of the relationship of the migrant farm worker and his government. As this writer has discovered numerous times in recent years, most dramatically in Mississippi in 1965 and in the beet fields and labor camps of Colorado in the summer of 1966, there is often a very large gap between legislation and its implementation.

Research done thus far into relations between law and the migrant worker justifies two observations about the laws mentioned above. They all depend for enforcement upon the action of administrative agencies, both federal and state, including: the United States Department of Labor, Wage and Hour and Public Contracts Divisions and the Bureau of Employment Security; the United States Department of Agriculture, Agricultural Stabilization and Conservation Service (ASCS); the Industrial Commission of Colorado; the Colorado Department of Employment, Farm Placement Service; the Colorado Department of Public Health; and the Colorado Department of Public Welfare. The second, more important, observation is that of those laws regulating the conduct of others, which include all of the laws mentioned above except numbers 5 and 8, all are notoriously violated; and, to my knowledge, there has been no administrative enforcement whatever, with the exception of two labor camps closed last summer by the Colorado Department of Health.

In that portion of the enclosed article which discusses legal services, the author states:

"Not only are the agricultural workers invisible, living out on the farms or in secluded labor camps, but they are also silent. This silence may be attributed to several factors, one of which is *not* contentment. One reason for the silence is that their voice is not sought by those who seek the voice, and the vote, of other segments of the population—the politicians. This is because migrant workers, who are not residents of Colorado, cannot vote here. Other reasons for the silence are: (1) for the most part, agricultural workers are unaware of the few rights available to them and thus do not complain when these are violated; (2) even if aware of the denial of rights, they have, with reason, sufficiently little faith in the legal structure to hope for redress; (3) even if they should seek redress, language barriers prevent articulation of grievances; (4) there is no one who will champion their cause to whom they can turn for satisfaction."

The above quotation may explain the silence, but it does not indicate what might occur if the silence were broken. That is precisely what we hope will be learned this summer by implementation of this proposal. The research done thus far has been mainly concerned with identification of legal problems, research that has certainly not been completed. Enough has been done, however, to warrant a new project which is solution rather than problem oriented—although there is no doubt that as we move toward solutions other legal problems will either be discovered or generated. For example, last summer a crew of migrant workers called the county ASCS office in Greeley, Colorado, to report an alleged violation of the Federal Sugar Act. They learned that no complaint would be acted upon unless presented in writing, a rather impractical requirement in view of the lack of sophistication and attitudes of the people for whom the legislation was enacted. They further learned that even after receipt of a written complaint, the ASCS director could not do anything until authorized to do so by his local ASCS committee. Since the crew was departing for Nebraska in two days, attitudes towards the law already present were further entrenched. The requirement of ASCS committee approval becomes even more onerous when the composition of the committee becomes known. Michael Enwall, now a third-year student at the University of Colorado School of Law, worked last summer as a VISTA associate in conjunction with the Colorado Migrant Council. He quickly discovered that he was arguing a case on behalf of migrants against a farmer before an ASCS committee entirely and necessarily composed of farmers eligible for U.S. Department of Agriculture payments.

In order that further research be carried on in the area of identification of legal problems relating to migrant farm workers and that the solution of those problems already identified be begun in earnest, it is proposed that the University of Colorado School of Law be the recipient of an Education in Action grant.

With this grant, fifteen law students, under close faculty supervision, will be placed as VISTA associates into the migrant stream for a period of ten weeks. It will be their responsibility to create further legal tools available for the alleviation of the apparent economic and social problems facing migrants. They will also work with those laws already identified in an effort to try to make them do the job for which they were enacted. Since all of the agencies mentioned above are complaint oriented, this will mean that the students will primarily be involvel in case documentation, filing complaints with the appropriate agency, and then documenting agency action or, as is more likely, agency inaction. It may be that the students will find it most efficient for each, or a couple of them, to concentrate on a particular law and corresponding agency. Because they will not all be in the same place, however, this kind of specialization may prove impractical. Each student, through orientation, will be responsible for implementation of all of the laws mentioned above.

It is anticipated that there may be some short run benefits accruing to those migrants who have complaints adjudicated in their favor. It is more likely, however, from what we already know but have not documented, that the benefits to the migrants will be long run benefits. There is reason to believe that either all of the relevant agencies are either so hopelessly understaffed or are so grower oriented (as, for example, the case of the ASCS committees), that agency enforcement, even with prodding, will not differ substantially from that of previous years. By documenting such inaction and by proper dissemination of such documentation to media, legislators and cabinet officials, it is hoped that the laws can be made to do what the people of this country and state thought they would do when they were passed. In addition, when appropriate, agency inaction or composition might be challenged in the courts.

For law students to accomplish these goals, it is essential that they become trusted members of the migrant community. Our students must depend upon willing cooperation from those who are suffering from the present lack of enforcement. The only way in which this kind of relationship can occur is for the law students to become part of the community itself, that is, live with the migrants and their families. The group will be divided between Northeastern Colorado and the Arkansas Valley, and, insofar as is possible, will be housed in labor camps. Eventually this alone would be a sufficient way for law students to gain the kind of acceptance necessary for their work. With an introduction into the community, however, the process is instantaneous. Our law students will gain this introduction by working in conjunction with the VISTA associates employed by the Colorado Migrant Council, many of whom will be hired directly out of the migrant stream. Further, our law students, by alerting these VISTA associates as to the kinds of problems to look for, can receive invaluable assistance from them in the documentation of violations of the various state and federal laws.

Although the main emphasis of our program will be as set forth above, the law students will be officially associated with the University of Colorado School of Law Legal Aid and Defender Program, which, by court rule in Colorado, will permit them under certain circumstances to appear as attorneys in county courts. It will be understood from the outset that our students are to concentrate on laws relating to migrants as migrants. They are not to become bogged down in divorce work or in handling traffic offenses or misdemeanors. It may be necessary, however, in order that community acceptance be realized, that crises be dealt with in whatever form they take. Should court appearances be necessary the faculty director and a member of the Colorado Bar will be present at all such occasions.

Prior to undertaking their ten week summer field assignments, the law student associates will participate in the week long orientation program conducted by the Colorado Migrant Council for its VISTA associates. Len Avila, of the Colorado Migrant Council, has given assurance that such cooperation will be possible. In this way our students will be familiarized with the socio-economic problems facing migrant workers and will have an opportunity to become acquainted with the other VISTA associates with whom they will be working throughout the summer. There will also be a legal orientation program conducted by the faculty director and a practicing attorney in which the students will be informed of the kinds of legal problems, already identified, which typically plague migrant farm workers and how these problems might practically be dealt with. The latter program would probably require another two to three days.

It is essential, not only from an educational standpoint but also because of the need for direction and coordination of efforts, that the law associates be carefully supervised in their work. A member of the faculty of the University of Colorado School of Law will serve as full time director of the associate program, living probably in Northeastern Colorado, in or near the town of Fort Lupton, the site of the state's largest farm labor camp. Weekly seminars with the faculty director will be held in each region (Northeastern Colorado and the Arkansas Valley), at which time the group will discuss and evaluate what its members have been doing. Further, information will be shared and strategies for future action will be planned. At least once a month the entire group will meet together. Although students will initially be placed in the two areas stated above, it is important that the program maintain flexibility. If a crisis develops in one of the areas covered, or, indeed, in one of the areas not covered, such as the San Luis Valley, students will be dispatched for short periods of time to meet immediate needs. It may also prove desirable to have some small number of students at the Law School in Boulder, on a rotating basis, as a research backup to the field personnel.

Between the end of the summer and the middle of the fall semester each participating student will submit a paper of seminar length (thirty or more pages) and quality in which he will analyze the problem with which he has dealt over the summer, evaluating his own performance. In addition, a major emphasis of the paper will be to propose changes in the law and administrative structure which would close the gap between affluence and poverty and legislative enactment and administrative non-enforcement.

Aside from the service that hopefully our students will be able to provide to migrant farm workers, they will also necessarily realize educational benefits to themselves. They will learn a body of law in its application. They will learn how to extract legal problems from socio-economic problems. They will learn how to prepare a case. They will learn how to train laymen to be alert to legal problems. They will learn that laws in books are not law at all unless applied, and that often they are not. They will gain experience in supervised research and writing. They will learn that there are ills in this society which cannot be cured by laws alone. They will learn to know a forgotten people and gain a sensitivity to the needs of the impoverished in this country that hopefully will remain with them in whatever they do after earning their degrees. The University of Colorado School of Law recognizes the unique educational opportunities available to its students through participation in this program and has agreed to grant two hours of non-graded academic credit to those students who do so.

Those student who worked at VISTA associates during the summer will also be required to commit themselves to at least one semester's participation in the School of Law's Legal Aid and Defender Program. In this way some future community involvement will be assured.

IN THE UNITED STATES DISTRICT COURT

For the District of Colorado

MARGARITO SALAZAR AND GREGORIO SALAZAR, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED, PLAINTIFFS

VS.

CLIFFORD HARDIN, UNITED STATES SECRETARY OF AGRICULTURE, DEFENDANT

JURISDICTION

1. This is a civil action brought by plaintiffs on their own behalf as individuals and on behalf of all other sugar beet workers for a declaratory judgment pursuant to 28 U.S.C. §§ 2201–02, that 7 U.S.C. § 1135, on its face and as applied by the Secretary of Agriculutre, is violative of the due process clause of the fifth amendment to the United States Constitution. Plaintiffs also seek a permanent injunction against the Secretary of Agriculture conducting any further proceedings pursuant to 7 U.S.C. § 1135 to resolve wage disputes arising under the Sugar Act of 1948, and an order compelling the Secretary of Agriculture to establish new procedures for the resolution of wage disputes arising under 7 U.S.C. § 1131(c)(1), assuring the parties thereto due process as required by the fifth amendment to the United States Constitution.

2. Jurisdiction is conferred upon this court by 7 U.S.C. § 1154; 28 U.S.C. § 1361 and 28 U.S.C. § 2282.

3. The plaintiffs are farm workers who have been employed regularly in the production of sugar beets. They are currently residents of Colorado and citizens of the United States.

4. Plaintiffs are members of and bring suit on behalf of all farm workers engaged in the production of sugar beets who may have a wage dispute under 7 U.S.C. § 1131(c)(1). Plaintiffs and said other farm workers constitute a class for the purposes of this suit. The members of this class are so numerous as to make it impractical to bring them all before this Court. There are common questions of law and fact affecting the rights of the members of said class with respect to defendant herein, and common relief is sought pursuant to Rule 23 Fed. R. Civ. P.

5. Defendant is the Secretary of the United States Department of Agriculture and is responsible for the administration of the Sugar Act of 1948, 7 U.S.C. §§ 1100 et seq., particularly 7 U.S.C. § 1135, pursuant to which, on information and belief, the Agricultural Stabilization and Conservation Service committees were delegated authority to determine wage disputes arising under the Sugar Act of 1948.

FIRST CAUSE OF ACTION

6. Under 7 U.S.C. § 1131(c)(1), farm workers employed in the production of sugar beets are entitled to receive a minimum wage by virtue of the fact that any producer of sugar beets who fails to pay workers at the rate established by the Secretary of Agriculture becomes ineligible to receive sugar payments pursuant to the Sugar Act of 1948, 7 U.S.C. §§ 1131–37.

7. On information and belief, sugar payments are sufficiently valuable to a producer of sugar beets that any such producer who is informed by the properly constituted authority that he will be ineligible to receive said payments due to noncompliance with the minimum wage standard will immediately do whatever is necessary to come into compliance with the regulations established by the Secretary of Agriculture so as to again become eligible to receive sugar payments.

8. Under 7 U.S.C. § 1135, the defendant Secretary of Agriculture is authorized to utilize "local committees of sugar beet or sugar cane producers, state and county agriculture conservation committees, or the Agricultural Extension Service and other agencies" to enforce the provisions of the Sugar Act of 1948 relating to the establishment of a minimum wage.

9. Under 7 C.F.R. § 862.17, the defendant Secretary of Agriculture has designated the Agricultural Stabilization and Conservation Service (ASCS) County Office as the body to hear wage claims.

10. Under 16 U.S.C. § 590h(b), the committees known as the Agricultural Stabilization and Conservation Service (ASCS) County Committee must necessarily be comprised of "three members who are farmers [participating or cooperating in programs administered unde this section] in the county."

11. Any wage disputes between growers and farm workers arising under the Sugar Act of 1948 will therefore be heard and determined by a committee composed necessarily exclusively of growers.

12. When the interest of the committee hearing a dispute are necessarily aligned with one of the parties, in opposition to the other, a decision adverse to the latter party—the claimant farm worker—denying to him a claim for wages, constitutes a denial of due process in contravention of the fifth amendment to the United States Constitution, thus rendering the rights granted to him under the Sugar Act of 1948 ineffective and unenforceable.

13. Plaintiffs and the other members of the class represented by them have had wage disputes decided in the past by ASCS committees in contravention of their constitutional rights and continued deprivation of such rights is threatened and imminent.

14. 7 U.S.C. § 1135 is also unconstitutional on its face since the other alternatives available to the Secretary of Agriculture for determination of wage disputes—"local committees of sugar beet or sugar cane producers . . . or the Agricultural Extension Service and other agencies"—suffer the same constitutional defects as does the Agricultural Stabilization and Conservation Service committees.

15. If the ASCS committees lack the requisite impartiality to hear and determine disputes between farm workers engaged in the production of sugar beets and producers of sugar beets to meet the standards of due process required by the fifth amendment to the United States Constitution, *a fortiori*, committees composed of producers of sugar beets could not constitutionally hear and determine such disputes.

16. On information and belief, the Agricultural Extension Service functions solely for the benefit of growers.

17. Pursuant to 16 U.S.C. § 590h(b) the county agricultural extension agent is at least an ex officio member, if not secretary, of the county ASCS committee.

18. Pursuant to 16 U.S.C. § 590h(b) the State director of the Agricultural Extension Service is an ex officio member of the State ASCS committee.

19. On information and belief, the Agricultural Extension Service is sufficiently aligned with the interests of growers so as to render impossible an impartial decision on its part in a dispute between a farm worker and a grower.

20. 7 U.S.C. § 1135 is therefor unconstitutional on its face since neither the ASCS committees, nor committees of sugar beet producers, nor the Agricultural Extension Service have the requisite impartiality to hear and determine disputes between farm workers and producers of sugar beets to meet the standards of due process required by the fifth amendment to the United States Constitution.

SECOND CAUSE OF ACTION

21. Plaintiffs repeat and reallege paragraphs 1 through 20, inclusive, with the same force and effects as if fully set forth herein.

22. Under 16 U.S.C. § 590h(b) only farmers are eligible to vote, or to serve on the ASCS committees, the body hearing and determining wage disputes pursuant to 7 U.S.C. § 1131(c)(1), thus arbitrarily excluding farm workers from either serving on or participating in the selection of the ASCS committees, the body selected by the defendant Secretary of Agriculture to hear and determine wage disputes involving said farm workers, plaintiffs herein, in violation of the due process clause of the fifth amendment to the United States Constitution.

WHEREFORE, the plaintiffs respectfully pray for an order:

1. Convening a three judge District Court under the authority of 28 U.S.C. § 2282;
2. Declaring that 7 U.S.C. § 1135, on its face and as applied by the Secretary of Agriculture, is violative of the due process clause of the fifth amendment to the United States Constitution;
3. Permanently enjoining the defendant Secretary of Agriculture from conducting any further proceedings pursuant to 7 U.S.C. § 1135 to resolve wage disputes arising under the Sugar Act of 1948;
4. Compelling the Secretary of Agriculture to establish new procedures for the resolution of wage disputes arising under the Sugar Act of 1948, 7 U.S.C. § 1131(c)(1), assuring the parties thereto due process as required by the fifth amendment to the United States Constitution; and
5. Awarding plaintiffs costs, damages and other equitable relief.

Respectfully submitted.

Jonathan B. Chase,
Migrant Division, University of Colorado,
Legal Aid and Defender Program.
William Redak,
Colorado Rural Legal Services, Inc.

IN THE U.S. DISTRICT COURT
for the District of Colorado

GREGORIO SALAZAR AND LIONEL SANCHEZ, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED, PLAINTIFFS
VS.
CLIFFORD HARDIN, UNITED STATES SECRETARY OF AGRICULTURE, DEFENDANT.

JURISDICTION

1. This is a civil action brought by plaintiffs on their own behalf as individuals and on behalf of all other sugar beet workers for a declaratory judgment, pursuant to 28 U.S.C. §§ 2201–02, that 7 C.F.R. § 862.15, on its face and as applied by the Secretary of Agriculture, is invalid as being inconsistent and in conflict with 7 U.S.C. § 1131 (c) (1). Plaintiffs also seek a permanent injunction against the Secretary of Agriculture from making sugar payments to any person who in the future pays crew leaders instead of the sugar beet workers directly as required by 7 U.S.C. § 1131 (c) (1).

2. Jurisdiction is conferred upon this Court by 7 U.S.C. § 1154.

3. The plaintiffs are farm workers who have been employed regularly in the production of sugar beets. They are currently residents of Colorado and citizens of the United States.

4. Plaintiffs are members of and bring suit on behalf of all farm workers employed in the production of sugar beets who work or will work for crew leaders. Plaintiffs and said other farm workers constitute a class for the purposes of this suit. The members of the class are so numerous as to make it impractical to bring them all before this Court. There are common questions of law and fact affecting the rights of the members of said class with respect to the defendant herein, and common relief is sought pursuant to Fed. R. Civ. P. 23.

5. Defendant is the Secretary of the United States Department of Agriculture and is responsible for the administration of the Sugar Act of 1948, 7 U.S.C. §§ 1100 et seq.

CAUSE OF ACTION

6. Under 7 U.S.C. § 1131 (c) (1), farm workers employed in the production of sugar beets are entitled to be paid in full for all such work and are entitled to receive a minimum wage by virtue of the fact that only when a producer of sugar beets is able to establish that workers employed by him in the production of sugar beets "*have been paid*" in full and at rates established by the Secretary of Agriculture do such producers become eligible to receive sugar payments established pursuant to the Sugar Act of 1948, 7 U.S.C. §§ 1131–37.

7. On information and belief, sugar payments are sufficiently valuable to a producer of sugar beets that any such producer who is informed by the properly constituted authority that he will be ineligible to receive said payments due to noncompliance with the condition for such payments established by 7 U.S.C. § 1131 (c) (1) will do whatever is necessary to come into compliance with the statute and the regulations validly promulgated thereunder so as to again become eligible to receive sugar payments.

8. On information and belief, 7 C.F.R. § 862.15, promulgated by the defendant Secretary of Agriculture purportedly to effectuate the provisions of 7 U.S.C. § 1131 (c) (1), sugar beet producers will receive their sugar payments if they pay to the crew leaders the minimum wage due to each worker and if they have received from each worker a signed authorization allowing payment of wages to the crew leader. Upon information and belief, the producer will receive his sugar payments when he has met the above conditions even though the worker does not actually receive the minimum wage because the crew leader has kept part of that wage for himself.

9. On information and belief, many crew leaders do not pay to the workers the minimum wage to which they are entitled under the regulations established by the Secretary of Agriculture.

10. Because producers of sugar beets are thus able to receive sugar payments without having to establish that workers employed by them in the production of sugar beets "*have been paid*" in full and at rates established by the Secretary of Agriculture, thus effectively denying to many workers employed through crew leaders the minimum wage established for their benefit pursuant to 7 U.S.C. § 1131 (c) (1), the regulation established by the Secretary of Agriculture, 7 C.F.R.

§ 862.15, permitting eligibility for sugar payments without proof that workers "*have been paid*" the minimum wage is void and invalid since it is in direct contravention of and inconsistent with the language and purpose of 7 U.S.C. § 1131(c)(1)

WHEREFORE, plaintiffs respectfully request the Court to issue an order:

1. Declaring 7 C.F.R. § 862.15 void and invalid as inconsistent with and in direct contravention of 7 U.S.C. § 1131(c)(1);
2. Permanently enjoining the Secretary of Agriculture from making sugar payments to any sugar beet producer who after the date of this order pays a crew leader instead of paying the workers directly; and
3. Awarding plaintiffs costs, damages and other equitable relief.

Respectfully submitted.

(S) Jonathon B. Chase,
JONATHON B. CHASE,
Migrant Division, University of Colorado, Legal Aid and Defender Program.
(S) William Redak,
WILLIAM REDAK,
Colorado Rural Legal Services, Inc.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

(Civil Action No. C–1617)

GREGORIO SALAZAR and LIONEL SANCHEZ, on behalf of themselves and all others similarly situated, PLAINTIFFS, *v.* CLIFFORD HARDIN, United States Secretary of Agriculture, DEFENDANT

Mr. Jonathon B. Chase, Attorney at Law, Colorado Rural Legal Services, Inc., 970 Aurora Avenue, P.O. Box 1367, Boulder, Colorado, for Plaintiffs; Mr. James L. Treece, United States Attorney, and Mr. Leonard W. D. Campbell, Assistant United States Attorney, 323 United States Courthouse, Denver, Colorado, for Defendant.

MEMORANDUM OPINION AND JUDGMENT

Doyle, Judge.

Plaintiffs have instituted this suit as a class action on behalf of all farm workers employed in the production of sugar beets who work or will work for crew leaders. They seek a declaratory judgment that 7 C.F.R. § 862.15 is invalid because inconsistent with 7 U.S.C. § 1131(c)(1). Also demanded is a permanent injunction against the Secretary of Agriculture prohibiting his making sugar payments to any person who pays crew leaders rather than sugar beet workers directly. We have previously determined that this Court has jurisdiction over the subject matter and have made informal findings and conclusions from the bench favoring plaintiffs. The purpose of the present memorandum is to express somewhat more fully the reasons for this ruling.

The Sugar Act of 1948, as amended, 7 U.S.C. § 1100 *et seq.* provides for sugar payments by the Secretary of Agriculture to producers of sugar. Section 1131 of Title 7 imposes certain conditions which must be met before a sugar producer is entitled to receive his payment. The definitive conditions relevant to the instant controversy (§ 1131(c)(1)) are:

> That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing . . .

The above statute evidences a Congressional intent that sugar beet and sugarcane workers receive from the producer a minimum wage to be set by the Secretary. There is nothing in the statute which suggests that diminished worker compensation is to be tolerated. It is also clear that under the terms of the statutory condition set forth in § 1131(c)(1), the burden of carrying out this Congressional intent is cast upon each individual producer. The sanction imposed on a producer who fails to meet this burden is the withholding of his allotment payments.

Plaintiff claims that 7 C.F.R. § 862.15, a regulation adopted by the Secretary allegedly pursuant to 7 U.S.C. § 1131, conflicts with the statute and hence is invalid. 7 C.F.R. § 862.15, when read in conjunction with 7 C.F.R. § 862.9, provides that:

> A producer of sugarbeets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting of sugarbeets as provided in § 862.12, shall have been paid in accordance with the following:
>
> * * * * * * *
>
> If a producer employs workers through a labor contractor or crew leader and makes payment of workers' wages to him, the producer shall obtain from such contractor or crew leader (a) a copy of his authorization signed by each worker to collect wages due each such worker; (b) a wage record sheet showing the amounts earned and due each worker; and (c) a written representation that he will pay to each worker the wage rates agreed upon by the contractor and the producer but in no event less than those provided by this part.

The general legal principle to be applied in this case has been summarized by the Supreme Court as follows:

> The power of an administrative officer or board to administer a federal statute and to prescribe rules and regulations to that end is not the power to make law, for no such power can be delegated by Congress, *but the power to adopt regulations to carry into effect the will of Congress as expressed by the statute. A regulation which does not do this, but operates to create a rule out of harmony with the statute, is a mere nullity. Manhattan General Equipment Co. v. Commissioner*, 297 U.S. 129, 134 (1936) (emphasis added.)

Weight must be given to the administrator's interpretation of applicable statutes. However, where the regulation in question is plainly inconsistent with the statute and operates in a manner which frustrates Congressional intent, it can be given no force and effect and must be declared invalid. *See, e.g., Celebrezze v. Kilborn*, 322 F.2d 166 (5th Cir. 1963).

The evidence at trial establishes that the above quoted regulation has been used as a means of frustrating this intent of Congress to insure full payment of wages to workers; crew leaders, at times at least, receive the compensation and pay the worker less than the amount, keeping a commission for their services. Under the regulation, the producer fulfills the condition precedent to receiving his allotment by paying full wages for workers to the crew leader. The end result of this practice is to deprive the workers of the minimum wage which they are entitled to receive. It is no answer to say that the worker consents because it is a questionable consent in view of language and other difficulties.

Furthermore, the regulation on its face destroys the very scheme which Congress envisaged as a guarantee that full payment would be made to workers. Congress provided in 7 U.S.C. § 1131(c)(1) that no allotment payments would be made to producers until all workers had been paid in full in accordance with at least the minimum rate set by the Secretary. Under such a scheme the federal government provided an effective incentive in the form of allotment payments not only for producing sugar, but also for paying a decent wage to workers.

The regulation here in question enables the producer to remove the burden which Congress intended for him to fulfill merely by making payment to crew leaders. Once this has been done, he is *deemed* to have complied with the terms of the statute, and thus can no longer be held responsible by either the individual workers or the government if any workers are ultimately shortchanged.

Finally, we are unable to perceive that the regulation advances any desirable social purpose. It is merely a convenient and expedient method. We therefore conclude that Congress intended to place ultimate responsibility for insuring full payment to workers on the producer and therefore that 7 C.F.R. § 862.15 conflicts with this intent in that it allows the producer to evade the statutorily imposed responsibility. We further find and conclude that crew workers are being injured in that the above regulation promotes and encourages the evil which Congress intended to remove—the payment of less than a minimum wage to sugarbeet workers.

Based on the foregoing we find that:

1. The named plaintiffs are members of a class of persons composed of sugar beet farm workers in Colorado, and can properly represent that class.

2. When sugar beet producers pay their workers through crew leaders, the crew leaders may pay and have paid some farm workers less than the statutory minimum wage.

3. 7 C.F.R. § 862.15, which allows the sugar beet producer to pay the farm worker's minimum wage to the crew leader with no assurance that the crew leader will pay over the minimum wage to the farm worker, permits actual payment to the farm worker of less than the minimum wage.

4. No public interest protected by 7 C.F.R. § 862.15 has been demonstrated.

We conclude that:

1. This action is properly maintained as a class action under Rule 23(a) of the Federal Rules of Civil Procedure.

2. 7 C.F.R. § 862.15, which allows the sugar beet producer to receive his sugar payments even though his farm workers may not have received the minimum wage, contradicts and is not in harmony with the statute under which it was promulgated, 7 U.S.C. § 1131(c)(1).

It is therefore Ordered:

1. That 7 C.F.R. § 862.15 is void and invalid as inconsistent with and in direct contravention of 7 U.S.C. § 1131(c)(1);

2. That the Secretary of Agriculture is permanently enjoined from making sugar payments to any Colorado sugar beet producer who after the date of this order pays wages due to farm workers to a crew leader or labor contractor; and

3. That the Secretary of Agriculture notify all Colorado Agricultural Stabilization and Conservation Service committees and beet producers of this order.

Dated at Denver, Colorado, this 15th day of July, A.D. 1970.

By the Court:

WILLIAM E. DOYLE,
Judge, U.S. District Court.

Senator MONDALE. Thank you very much. I appreciate your testimony and your efforts to develop a program of the nature and scope that you have discussed here this morning.

I would like to have inserted into the record at this point the report "Seasons in the Sun," prepared by the staff of the South Florida Migrant Legal Services Program, Inc.

(The material referred to follows:)

SEASONS IN THE SUN

A PRELIMINARY STUDY OF THE
SEASONAL FARMWORKER IN THE
SOUTH FLORIDA SETTING

PREPARED BY THE STAFF OF SOUTH FLORIDA

MIGRANT LEGAL SERVICES PROGRAM, INC.

The Man

Born of Woman

The Child is Father to

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*CHART FOLLOWS LISTED PAGE

DIRECTOR'S NOTE

This report is the product of the entire staff of South Florida Migrant Legal Services Program, Inc. (MLS). It is a first synthesis of the experience of all of those who have labored, often under adverse circumstances, to bring some small measure of justice and equality to the agricultural workers who make possible Florida's enormous agricultural industry.

The idea that such a report should be written was pregnant in many minds for some time, but was first articulated at a meeting of attorneys in the summer of 1968 by Gerald Cassidy of the Fort Myers Office. The burden of preparing the manuscript fell to two women, Elizabeth J. du Fresne and Valerie Kantor. Mrs. du Fresne was formerly a Planning and Research Attorney with the Miami Office. She is now a trial attorney with the law reform unit of Economic Opportunity Legal Services Program, Inc., the legal services project in Dade County, Florida. Mrs. Kantor is a graduate of Georgetown University Law Center, who, in between taking care of her two children, finds time to clerk for the Fort Myers Office where her husband is a staff attorney. I extend my heartfelt thanks to these two dedicated women who spent so many overtime hours making this report possible.

For all of you on the staff who have fought the battle against injustice, intolerance, ignorance and misunderstanding, I have only feelings of pride and gratitude. When the day comes that America's agricultural workers take their place amongst those who have achieved economic and social equality, you will be able to say that you played your part.

JOSEPH C. SEGOR
Executive Director
Miami, Florida
February, 1969

DEDICATION

This report is dedicated
to our clients,
whose day will come.

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INTRODUCTION

> "The urban riots during 1967 had their roots, in considerable part, in rural poverty. A high proportion of the people crowded into city slums today came there from rural slums. This fact alone makes clear how large a stake the people of this nation have in an attack on rural poverty." *The People Left Behind*, a report by the President's National Advisory Commission on Rural Poverty ix (1967).

In this century, America has rapidly changed from an agricultural nation to an urban society. However, in the process some of our citizens have been "left behind" to work in the fields and pick the crops until mechanization eliminates the need for their labors. During the next few years the human laborers in agriculture will be reduced by half and soon the field worker will be obsolete. What will happen during the interim years? How will the people exist on wages and in an environment which is fast becoming an intolerable anachronism? What legal problems are unique to their condition of life and what institutions do they deal with? What does the future hold for the farm worker as he is being replaced by a machine?

South Florida Migrant Legal Services Program, Inc., is an OEO-funded research and demonstration project which is seeking to answer these questions while performing traditional legal services for seasonal agricultural workers in a six county area in Florida. This document represents the initial stage of an intensive research project designed to partially fill the void in information on the rural poor of South Florida, especially those engaged in agricultural work. It is hoped that from this work there will eventually emerge a few solutions to the many problems raised by the Report of the President's Advisory Commission on Rural Poverty and the Report of the Citizens Board of Inquiry (Hunger, U.S.A.).

It must be remembered that Migrant Legal Services (MLS) is composed of lawyers, investigators and other staff serving people. Thus, this effort cannot be a mere recital of impersonal facts and objective descriptions. It will be colored and enriched by the people we serve and the people and institutions from whom help or conflict come. We are lawyers, not scientists. Lawyers are essentially justice-seekers and justice involves itself with the individual as well as the problem.

The farm worker who comes to the MLS offices represents only a small part of the fourteen million rural poor of America. Some of his problems are peculiar to his work. For example, those who cut sugar cane are covered by the regulations which govern practically every phase of the sugar industry. Other problems arise from the particular location in which work is found. While some of the small farming communities are of "Deep South" orientation with an undercurrent of racism, which pre-determines the white population's relationship to the many Negro, Mexican-American and Puerto Rican farm workers, agricultural centers closer to metropolitan areas tend to be much less obvious in any discrimination practiced against non-white workers.

Since the commitment of MLS and this publication *is to the farm worker*, the narrative will flow with the migrant stream from South Florida's truck farms, sugar cane fields, and acres of commercial flowers to Northern labor camps and grape harvests. The emphasis shall be on that portion of the world of the farm worker in which MLS participates, and, ultimately, the world of tomorrow in which the agricultural worker with his outmoded skills must somehow endure.

THE SOUTH FLORIDA SETTING

Migrant Legal Services serves a six county area of southern Florida, including Broward, Collier, Dade, Hendry, Lee, and Palm Beach Counties. The image that immediately comes to mind are the beach communities on the southern Atlantic and Gulf seacoasts. Miami Beach and Naples, in particular, have always been regarded as pleasure vacation spots for winter-weary northern travelers. Tourism is indeed an important asset to this area, but plays only a weak second to the very important and lucrative industry of agriculture. The tourists and visitors to the area drive past miles of citrus groves, sugar cane fields, and beautiful flower lands, but they are usually unaware of the streams of migrant agricultural workers who have preceded them in preparing these fields for the rich harvest.

Because of the seasonal nature of both the tourist industry and the agricultural business, the population fluctuates wildly. Consequently, the number of year round, involved citizens is extremely small. It is also obvious that the climate and tax attributes of Florida attract many persons seeking a retirement haven. The elderly represent a much higher proportion of the stable population than is found nation wide.[1] Persons who have played an active role in the communities where their families were raised do not usually seek to involve themselves in similar problems in their adoptive state of retirement. Age often fosters a more conservative attitude, favoring the status quo, and unconcerned about problems that pose no direct threat to their retirement solitude. These factors produce a hard core "establishment" to assume the duty of presenting a lush vacation image to wealthy seasonal tourists, and to manage the more profitable agricultural industry, whose results reach virtually all Americans.

With agriculture being the number one industry, the local power structure in Collier, Hendry, and Lee is largely controlled by agricultural interests, while in the more urbanized counties of Dade, Palm Beach, and Broward, the power structure is more diverse.[2] Naturally, the officials are most concerned with

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1. *County and City Data Book: 1967*, Dept. of Commerce and Bureau of the Census, p. 52; *compare with Id.* at 2.

2. For statistics concerning county-by-county characteristics of the region served by MLS, see attached chart.

preserving (and improving) the high profit return on their county's farm products. There is little or no farm worker or minority group representation on any official board or position of power so as to promote the self interest of these groups. Unfortunately, what is in the best interest of the farmers and growers, is not always best for the conditions of the workers in the fields. The interests of the two groups, the growers versus the workers, are often in direct conflict with one another.

The dichotomy is vast and the problems facing both participants are difficult to solve. Partially, it is to bridge this schism and begin to work out palatable solutions that MLS was founded in the spring of 1967.

Prior to defining the problem areas and seeking means to resolve them, it is necessary to identify the component parts: namely, the farmers, growers, workers and crew leaders. Who are the farmers and growers and what do they represent?

Agriculture means big business in southern Florida; it is not left to small family farms or cooperative plots; the coined euphemism "agribusiness" most aptly describes the farming concerns in the MLS target area.

The real giants in the business are the sugar companies, with U.S. Sugar Corp. in Hendry County and South Puerto Rico Sugar Co. in Palm Beach County by far the largest both in assets and number of employees. It is estimated that there are approximately 200,000 areas devoted to sugar cane in this region, which is processed by 9 major grinding mills.[3] The sugar cane industry utilizes over 50% of the total agricultural work force in the Belle Glade area alone.[4] In addition to U.S. Sugar Corp. and Southern Puerto Rico Sugar Co., the large employers are Talisman Sugar Corp., Florida Sugar Corp., and New Hope Sugar Co., all located in Palm Beach County. It should be noted that these concerns do not rely solely on their product output for income producing revenue. Under the Farm Subsidy Provisions of the Price Control Act of 1965, these 5 corporations collected a total of $2,639,198 from the federal government in the calendar year 1967.[5]

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3. Florida 1967 Farm Labor Report (Florida Industrial Commission) p. 14.
4. Florida 1967 Farm Labor Report, p. 14.
5. U.S. Sugar Corp. - $1,275,687; South Puerto Rico Sugar Co. - $610,923; Talisman Sugar Corp. - $419.178; Florida Sugar Corp. - $212,454; New Hope Sugar Co. - $120,956. Congressional Record, July 26, 1968 (E 6967, 6968).

Relief handouts to farmers in the form of price subsidies from the U.S. Department of Agriculture (which have variously been called "a bonanza for a great number of corporate farms and wealthy farm owners" and "legislation for the rural 'fat cats'," and a "financial boondoggle"[6]) are not exclusive to the sugar industry or the State of Florida. This piece of legislation "putting farmers on the dole" cost the taxpayers $3 1/2 billion annually. Many more diversified Florida farming corporations take their share.[7]

Citrus remains the largest job-producing single crop in the state of Florida, employing upwards of 30,000 farm workers per year.[8] However, the vast total of citrus acreage is confined to the central ridge area, and MLS has little direct contact with the workers in that section. Nonetheless, citrus still produces an income of approximately $600,000 per year in the fairly small county of Hendry.[9] And substantial acreage is being planted with citrus in the southern portion of the state.

By and large, the growers in the six county area of southern Florida concentrate on vegetables: cucumbers, peppers, potatoes, tomatoes, sweet corn, egg plant, and of course watermelons and cantaloupes. Over 290,000 acres are devoted to the commercial production of vegetables in the state of Florida, with a yield of almost two million tons in 1966.[10] Thus, Florida ranks third among all the states in total vegetable acreage, and second only to California in production yield. One other statistical comparison is worthy of note: whereas the production yield of commercial vegetables in California is roughly four times that of Florida, the value of this production in California is only double that of Florida.[11] Thus, the value to the grower of producing vegetables in this region of Florida is well established.

Lee County calls itself "the flower capital of the world," and the name is no doubt well earned with over 3,000 acres devoted to growing gladiolus alone. Pompom Chrysanthemums are the other major flower assortment from this area. Agricultural products, including flowers, produced in Lee County provide an

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6. Hon. Ray J. Madden (U.S. Rep. - Ind.) in the U.S. House of Representatives July 18 & 20, 1967. (Cong. Rec. E6642, E6967.)
7. A. Duda & Sons - $158,080; 715 Farms Ltd. - $131,484; Closter Farms Inc. - $116,890; S.N. Knight Sons, Inc. - $110,784. Cong. Rec. June 20, 1967, p. E6968. There are many more Florida farmers who receive a more modest sum - anywhere from $50,000 to $100,000 under ASCS programs. See Royko, "The Farmers on the Dole," Tropic Magazine, Miami Herald, Sept. 22, 1968.
8. Florida Industrial Commission, Florida State Employment Service, 1967 Farm Labor Report, p. 8.
9. Fort Myers News-Press , Feb. 20, 1968, p. 3-g.
10. U.S. Dept. of Agriculture, Agricultural Statistics 1967, Tables 225 & 226, p. 187-8.
11. Production Tonnage of Commercial Vegetables, 1966. California - 7,129,050; Florida - 1,947,270. Value of Commercial Vegetable Crop, 1966. California - $585,252,000; Florida - $210,748,000. Statistical Reporting Service, USDA, Agricultural Statistics 1967. p. 189.

annual income of more than $25 million and generate more than $75 million in agribusiness activity according to County Agricultural Agent Robert G. Curtis.[12]

Collier County, to the south, reaps a vegetable harvest income of $40 million.[13] This figure is significant in that the bulk of the $40 million dollars was earned by three corporations: A. Duda & Sons, Inc., Naples Farms, Inc., and Naples Fruit and Vegetable. Collier is the largest county in Florida (2,880 square miles), and at the time of its creation (1923) Barron G. Collier owned approximately 75% of all the land.[14] The Collier Corporation remains the major land holder, although Gulf American, the Lee Tide Water Cypress Co., and Alico (subdivision of Atlantic Coastline Railroad) are making inroads. Much of this land is leased out for farming.

The make-up of the Collier County agricultural interests highlights the size and power of the farmers and growers in the south Florida region. These are large corporate enterprises involved in raising fruits and vegetables, and not family farms or single entrepreneurship businesses. The background of some of the "overseers" or "front men" reveals a history of "wild cat" farming, often starting in Cuba, then coming to Florida and leasing land from the large corporations to continue their well-learned exploitation of agricultural workers.

With this history, it is interesting to note that one of the farmers' chief concerns is the amount of low-priced foreign imports in vegetables (peppers, cucumber and tomatoes), especially from Mexico, "produced in areas where labor is cheap."[15] It takes great business expertise as well as considerable investment to be a successful farmer in this competitive environment. Not only does he have to concern himself with the best utilization of his land, the market and business trends, but he also has to plan the amount of labor he will need, where to get that labor, and how best to manage it.[16]

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[12] Fort Myers News-Press, Feb. 20, 1968.

[13] The Miami Herald, July 21, 1968.

[14] Tebeau, Charlton W., *Florida's Last Frontier - A History of Collier County*, Univ. of Miami Press, 1957.

[15] See Fort Myers News-Press, Jan. 24, 1968.

[16] For Statistical comparisons of agricultural significance in the 6 county MLS region, see attached chart B.

THE SOUTH FLORIDA SEASONAL FARM WORKER

Florida growers depend upon an actual farm work force of over 89,100[17], while in the six county region served by MLS, it is estimated that a total migrant population (including dependents) of 83,250 streams in every year.[18] Since figures and estimates can be deceptive, it may be more informative to describe the seasonal farm worker than to attempt an exact head count.

With the variety of crops making three harvests possible annually (fall, winter and spring) the "season" in southern Florida extends from late October often until the end of May. However, it would be rare for a worker to be employed in one crop or by one farm for that length of time, and he may be rotated or seek other employment when work is slow at his assigned station.

It is impossible to speak of the seasonal farm worker in generalities. There are roughly nine groups comprising the total of agricultural workers in this area: 1) Spanish-speaking migrants (often called "Texas-Mexicans"), 2) Negro migrants (originally from other southern agricultural centers), 3) the "offshore"workers (generally from Jamaica and the West Indies); 4) Florida-based Spanish culture agricultural workers, 5) Home-based Negro agricultural workers, 6) Local low-income Caucasians, 7) Cuban refugees, 8) out-of-state Caucasians, and 9) Indians native to this area.

Each grouping, and indeed each individual compromising this classification, has its own history and cultural characteristics. However, once a person becomes engaged in seasonal farm work, they all share many common problems and goals. The most basic problem is simply that the work is seasonal. The agricultural worker is forced to subsist on whatever income he makes here during the season, or travel north when the local season is over to work in another harvest, or try to find some makeshift work to supplement his income if the rigors of the migrant stream prove too taxing for himself and his family..

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17. Florida 1967 Farm Labor Report, p. 7.

18. Florida Migrant Health Project, Fourth Annual Progress Report, pp. 45, 65, 75, 83, 97. This figure includes "offshore" workers, but does not include local or day-haul laborers.

Since the average yearly income of the migrant farm worker is only $1737[19], far below the $3000 income level under which families are commonly considered to be living in poverty, it is not difficult to see why trying to subsist on this income year-round is not satisfactory. Nonetheless, many are forced to do just that either because no other employment is available locally or because they are untrained for those jobs that may be available. Although documentation is scant[20], it is obvious that every year more and more migrants stay in this area year round.

Unfortunately, the drop-off of agricultural jobs during the summer and early fall is not balanced by an increase in employment possibilities in any other field. The worker is left to his own devices to try to find jobs mowing yards, driving tractors, doing repairs, etc. Often his livelihood during the off-season will depend on finding transportation to nearby cities to seek construction work.

Most of these workers used to "go up the road" for the northern crop harvest every year, but have now decided that this routine is both uneconomical and undesirable. From interviews, it appears that most unmarried people or people with fairly small families do travel, often with the same crew that they worked with in this area, whereas the workers with larger families tend to stay in this area year round. MLS records show that rather than going to New York for the potato harvest as is shown on most maps of migratory patterns, the worker from this area travels to many states to harvest various crops.[21]

There are many seasonal farm workers who do not migrate. Of those who do travel north to do farm work when the season is over in Florida, many consider this state their home base. Despite their permanency and their vital contribution to the area's economy, as well as the nation's, the seasonal farm worker is almost totally powerless.

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19. "The Migratory Farm Labor Problem in the U.S.," 1967 Report of the U.S. Senate Committee on Labor & Public Welfare, p. 6.

20. From interviews and questionnaires answered by MLS investigators (former migrants who maintain everyday contact with migrants in the south Florida region).

21. *MLS Summer Project Study*, tracing the destinations of migrant crews from the MLS area, shows that while some crews do travel the Atlantic Seaboard stopping off at farms in Georgia, South Carolina, New Jersey and New York, others travel inland to Indiana and Michigan.

Because of the strenuous long working day, and lack of adequate facilities at home, the horizons of the farm worker are necessarily limited. From the time of his birth the field worker is surrounded by people who do farm work, and he knows that he will eventually do the same. While the present system makes it impossible for a field worker to obtain any material satisfaction from his job, these people identify with agriculture and take great pride in their work.

It cannot be overemphasized that the migrant worker is an expert at his trade. While farm labor is not a "first choice" occupation, the laborer who has trained arduously throughout his life has mastered a most difficult and hazardous vocation. He knows which tomatoes are ready to be picked on a row, how to pick them without bruising or damaging, and the most efficient way to gather a ripe harvest in the least amount of time. This knowledge and ability can never be fully replaced by machines. The field worker needs little, if any, supervision, and most "overseers" or field supervisors can profit greatly from the expertise of those working for him.

However, the worker's entire life is subject to the needs and controls of others. He is vulnerable to a great variety of pressures from those who depend upon him for their own livelihood. He seldom has any direct contact with the farm owner, or even managers, but he is completely dependent upon the continual favor of his crew leader; which, in turn, gives a crew leader enormous power over his crew.

THE CREW LEADER

The crewleader's role is crucial - both as to his activities and maintenance of the crew as a social unit. Among the activities: establishing initial contact with the prospective employer; assembling a crew (which may mean maintaining an extensive network of contact with individuals on a permanent year-round basis or by maintaining contacts with individuals who will recruit for him); arranging for transportation of the crew to the work site and camp. Then, if he acts as camp manager, he is responsible for the direction and maintenance of the crew within the camp. He usually provides buses or other vehicles for transporting the crew to and from the work site.

At the work site, the crewleader assumes a supervisory role, allocating specific tasks to workers, directing them in the course of picking, and managing all aspects of the operation until produce is actually delivered to the packing house. This may include planning the work, supervising the workers in the field, maintaining inspection procedures to insure that crops are properly picked, bulking of crops on the trucks, and actually transporting the produce to its destination.

He is responsible for paying the members of his crew. He is like a banker for the crew: lending them money directly or through the allocation of credit for food, alcohol, transportation, etc. Likewise, he should be accountable to the workers both for what they are paid and for any deductions whether daily or weekly. However, almost every crew operation is run with extensive reliance on memory.

> "Crew leaders function as entrepreneurs without stable or guaranteed incomes, but with a potential of earning very substantial sums during the course of the season."[22]

A thorough study of the crewleader's role in a black migrant crew in a northern camp situation illustrates much insight into the relationship between the outside world, the crewleader and the workers:[23]

> "In contrast to most production organizations, what is notable about the role of the crew leader is the variety of activities which have to be carried on by a single individual. But this explains only in part his crucial sociological role. This must be perceived in terms of his ability to articulate between the Negro crew member and the white world. Crew members view the white world as unpredictable and dangerous. They prefer to have as little contact as possible with all aspects of white society. Buttressing this attitude is a similar attitude of whites who want as little to do as possible with the Negro migrants and who, on their part, feel that migrants are unpredictable and violent. Both groups look upon the crew leader as a liaison."

Mr. Friedland has created a descriptive typology of the various characteristics of crew leaders, each of which is pertinent to crewleaders found in the MLS area. The first

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22. Friedland, "Migrant Labor: A Form of Intermittent Social Organization," ILR Research, vol. xiii, no. 2, Nov. 1967, 8.

23. See note 20, supra at 6.

type is called "the village chief" who exemplifies the traditional leader. He is found in all ethnic groups and locales. His crew is recruited almost entirely in the leader's hometown, consisting largely of families and older people, many of whom had been with this leader in previous years. The village chief creates a social dependency by extending favors, giving loans, rides, etc. Productivity is high because the crew members are selected with care, and consequently there is a surprisingly low percentage of dropouts from the crew.[24]

Another type is called "the coal baron." His style of control is by force and fear rather than kinship obligation or social dependency. Force can be exerted through manipulation of wages and credit as well as through threats of expulsion or refusal to pay wages for a variety of reasons, and just plain physical force. Many workers resent him and are afraid of him. The crew consists mainly of unattached young men, picked up from the surrounding area or en route. The highest dropout rate and the lowest productivity is evident here. The prevalence of this type crew leader in the Negro portion of our clients and especially among the constantly changing "day haul" crews is quite evident.

The third type, and perhaps the most common amongst MLS' Spanish-speaking population, is classified as "the pater familias." This crew leader recruits his workers from family and very close friends, turning out to be one big family. This type usually has the most remarkable record of productivity, and along with it one of the higher dropout rates. Approximately half the crew members drop out before the season is over, leaving the central core of kin.

The "pater familias" traits may best be depicted by profiling a 33-year old Mexican American crewleader who has had extensive contact with MLS. He is married with eight children, and was originally contacted at Edinburg, Texas by the Farm Labor Placement Bureau of the Texas Employment Commission with an offer for a crew of 120 men to work from December through May in Naples, Florida.

After applying for registration as a crew leader, he recruited his crew consisting largely of relatives and friends, all of them then residing in southern Texas. In groups of ten or twenty, the workers with their families made the trip by car from Texas to Florida, paid for by transportation expenses advanced to the crewleader.

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[24] Only 1% dropout rate during the season. *Ibid.* at 7.

The Clearance Order, setting forth the arrangements for crewleader and workers was fairly typical: specifying that the migrants would have regular work seven days a week at $1.15 an hour, and that the leader would be paid a bonus per worker and a bonus per crate for haulage, which would be paid at the end of the season. It also stipulated that proper housing was available.

Before becoming a crewleader, this man had been a farm worker, spending part of the past four years in southern Florida. When the Florida season was over, he always went up the road, taking his family with him, usually to Indiana. He can earn $15.00 a day when working in the fields, which does not count the bonuses for being a crewleader.

The white field manager, or owner's agent, would give the crewleader money to pay the workers at the end of each day. It appears that no money was ever taken out for social security, although whether the crewleader had been advised that he should is another question.

The problems encountered by this crew, perhaps more serious in nature than most, are nonetheless typical of the conditions workers may find when coming to south Florida for the season. Basically, it was a problem of not enough work (not as much as promised) and consequently not enough pay, together with abominable housing.

The members of the crew brought here from Texas to pick tomatoes had been promised approximately $9.00 a day for the season (based on working a seven-day week). At most they earned $30.00 a week. The housing supplied to the workers for a rental charge can only be described as unfit for human habitation. The MLS attorney handling the legal problems for this crew remarked:

> "The conditions at both camps were bad. There was no electricity in any of the cabins but two. None of the cabins had running water. None of the cabins had working toilets. There were no facilities for garbage pick-up or disposal. There was no access to drinking water. There were no workable showers. The electrical wiring was faulty. The cabins were without stoves. There was no heating system to the cabins. The beds were without proper mattresses. There were no pillows, linens or blankets furnished."

The accompanying photographs are perhaps a more descriptive attestation to the conditions encountered than any number of words. That human beings should be subjected to such circumstances is appalling; the fact that many of the migrant workers in south Florida face this as a way of life is indefensible.

In the past, not only did the tourists and resident citizens ignore the plight of the migrant, but most even seemed unaware of his existence. Now that various social-conscious state and federal agencies have been apprised of some of the problems, there is at least hope towards betterment. MLS has had a unique opportunity through its rural field offices of observing these conditions firsthand, of establishing contact and rapport with the migrant population, and of seeking solutions to bring equality and justice to the seasonal farm worker.

Sweeping legislative and judicial gains have not come within our first year of operations, but the groundwork has been laid and analysis has chrystallized goals and plans for the future.

The following sections attempt to demonstrate eight major problem areas, with comments on the progress that has been made.

EMPLOYMENT PROBLEMS

Nothing more clearly underscores the alienation of the seasonal farm worker from the mainstream of American life than an examination of his working milieu. From the moment he is recruited, transported to the picking site, and begins to labor, the distinctions between his employment environment and that of all other occupational groups is obvious. As the MLS Chief Investigator, a former police officer himself, said recently, "The grower for his part treats the worker in a similar manner to that of the police. The handling of workers' crews, transportation, work assignments, housing, and pay arrangement is reminiscent of the arrangements made for prison labor crews."[1] Considering the power which Labor wields on the national scene, the archaic labor/management relationship in agriculture[2] is all the more clearly antiquated. The President's National Advisory Commission on Rural Poverty summarized the situation.

> Rural workers have been excluded from coverage of protective labor legislation that guarantees workers' rights to organize and to bargain collectively. Nor have they been protected against injury on the job, or against the risk of unemployment and disability. Until recently, farmworkers, especially, were untouched by these labor laws that most urban industrial workers take for granted. Even today, most farm workers and many rural non-farmworkers are excluded.
>
> Great injustice has been done in extending coverage of certain types of labor legislation to some workers and not to others. The Commission proposes to end the traditional discrimination against rural workers by extending the prospective labor legislation to cover all workers.

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1. William Boone Darden in an unpublished narrative answer to questions posed by the MLS research staff, 1968, 1.
2. Some efforts of a non-legislative nature have recently been made in this field. In early 1968, the Florida Agricultural Extension Service of the University of Florida initiated a training program for farm-labor supervisors. Numerous classes have since been held which are designed to assist farmers in employee relations. See Cully, *Training Programs For Farm Labor Supervisors*, Farm Labor Developments, U.S. Dept. of Labor, Sept. 1968, pp. 18-20.

> The Commission recommends--
> 8. That the provisions of the National Labor and Management Relations Act, workmen's compensation laws, unemployment insurance, and old age, survivors and disability insurance (OASDI) be extended uniformly to all workers.[3]

Extension of the NLRA[4] will not magically alleviate the plight of the farm workers in South Florida. However, the right of collective bargaining has been shown to be a necessary ingredient in any equitable framework for industrial peace--and, yet, the agricultural industry remains more than three decades behind other industries in the non-recognition of the freedom of association and organization.[5]

The argument that agriculture is somehow different from all other industries has been the rationalization by which farmworkers were excluded from almost all federal labor legislation. When one considers the vast corporations[6] which play such a major part in agriculture today--as the number of farmers gets fewer and fewer and their holdings get larger and larger, such justification seems weak.[7]

It has only been since 1966 that a national minimum wage for farm workers was established by Congress, when some agricultural workers were brought under the Fair Labor Standards Act.[8] This may help to explain why farmworkers are the lowest paid occupational group in America--but it does not explain why Florida is amongst the lowest of the low. Florida is one of the 10 lowest wage states for farmworkers in the country. Only New Mexico, West Virginia and the Deep South states are behind her. Florida has not yet reached the national average of 1965-and everyone agrees that this average was at that time scandalously inadequate.[9]

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[3] *The People Left Behind*, The Report of the President's Advisory Commission on Rural Poverty, 1967, 24.

[4] *National Labor Relations Act*, 49 Stat. 449 (1935), as amended, 61 Stat. 137 (1947), 29 U.S.C. 151, et seq. (1964).

[5] Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare, *The Migratory Farm Labor Problem in the United States*, S. Rep. No. 1006, 90th Cong., 2d Sess. 40 (1968).

[6] E.g., two obvious examples of the industrial magnates of agri-business in South Florida are U.S. Sugar Corp. of Clewiston (Hendry County)and South Puerto Rico Sugar Co., Fellsmere (Palm Beach County). The first received government subsidies of $1,275,687.00 in 1967 and the latter $610,923. They were amongst the 12 corporations receiving the largest individual government payments under all farm programs for the calendar year of 1967. See also, supra note 5 at 27.

[7] E.g., in the six county area MLS serves, the number of farms (1960: 2,735; 1964: 2,546) continues to decrease while the acreage under cultivation has increased (1960: 1.682,000; 1964: 1,786,000). *County and City Data Book: 1967*, Bureau of the Census 60.

	1965	1966	1967
National Average	$1.14	$1.23	$1.33
Florida Average	.99	1.07	1.12[10]

In addition to the deplorably low level of wages, the seasonal nature of farmwork intensifies the problem. The work-year of the hired farm worker is shorter than almost any other occupational group.[11] Hourly wage increases can never solve the lack of steady year-round employment. The Farm Labor Placement Service has attempted to cope with the problem in its Annual Worker Plan;[12] however, the efforts of the agency do not have the backing of the sophisticated computerized system that would be necessary for a really workable national mobilization plan to couple available jobs and workers.[13] So far all such proposals have gone unimplemented. Spending many futile days driving from place to place seeking work, waiting for a delayed harvest or a break in bad weather, the seasonal farmworker only finds work for a small number of the possible working days of the year.[14] Beyond this *"occupational hazard"* is the lack of management skills of many engaged in farming. This means that even the time when one is employed is a time of *"underemployment"* since workers are not given any motivational direction and the incentive for higher production is not encouraged. This unproductive time means loss of income to the worker and inefficient use of the labor force to the grower. Since farm workers cannot qualify for unemployment compensation in Florida,[15] as they cannot in almost all states,[16] the problem of unemployment is doubly serious.

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8. Fair Labor Standards Act of 1938, 63 Stat. 918 as amended; 29 U.S.C. 213, amended by Public Laws 89-601, 80 Stat. 830, as enacted Sept. 23, 1966. See generally, *The Agricultural Minimum Wage: Coverage and Impact*, Farm Labor Developments, U.S. Dept. of Labor, May 1968, p.11. Only 390,000 of the 1.4 million farmworkers are presently covered. Supra note 5 at 25.
9. Supra note 5, at 27.
10. Id.
11. Id. at 28.
12. See generally, *The Annual Worker Plan in 1966*, Farm Labor Developments, U.S. Dept. of Labor, Farm Labor Developments, U.S. Dept. of Labor, May 1968, pp. 49-51.
13. For an example of an adequate system, see supra note 3 at

> Not only is unemployment in agriculture about twice the annual average in non-agricultural industries, but the monthly employment rate also fluctuates sharply . . . . As a matter of fact the situation is a good deal worse than the figures on unemployment suggest. Official statistics count a rural resident as employed if he works part-time, or a few days a month. The truth, of course, is that he is often underemployed, and almost as badly off as if totally unemployed. We have evidence that underemployment is widespread in rural areas, and as acute a problem as unemployment.[17]

Unemployment insurance is not the only aspect of employment protections from which the Florida agricultural worker is excluded. In the Workmen's Compensation statutes, the term *"employment"* is specifically defined so as not to include agricultural labor.[18] Legislation limiting hours of work of minors[19] and setting up general regulations for governing child labor do not apply to farm work.[20] The regulating agency on child labor problems, the Florida Industrial Commission concerns itself about the employment of children in alligator wrestling and transporting of radio-active materials, but disregards the many more children who perform difficult and often dangerous labor in the fields. The Florida Child Labor Statutes do not even reflect the minimal standards found in the federal Fair Labor Standards Act.[22] Of course, the federal standards for minors employed in agriculture govern when conflict exists.

27-32.

14. The average migratory farmworker was only employed 82 days in farmwork in 1965 (the latest date for which statistics are available). Supra note 5 at 28.
15. F.S.A. § 443.03(5)(g)(1)(a-d): The term employment shall not include agricultural labor.
16. Only in Hawaii are farm workers expressly covered by a state unemployment compensation program. Supra note 5 at 52.
17. Supra note 3 at 25.
18. F.S.A. § 440.02(1)(c)(3).
19. F.S.A. § 450.081, which provides that children under 16 shall not be employed before 6:30 A.M. or after 8:00 P.M., expressly exempts farmwork from regulation.
20. Chapter 450 (Child Labor) of Florida Statutes begins with § 450.011 which states that except for §450.061(hazardous occupations)and §450.111 (Employment Certificates), no provisions of the chapter will apply to minors working on their families' farms when school is in session and, except

The Florida laws not only exempt agricultural workers from protections on the job, but create special hardships through other provisions. For instance, an additional monetary burden is imposed by the State through the definition of "non-resident motorists" for purposes of motor vehicle registration [23] and drivers' licenses.[24] Because the exemptions from registration and purchase of a driver's license run only to non-residents who are not employed in the State and whose children do not attend Florida public schools, the migratory farmworker must buy duplicate plates and pass additional tests because of his short-term employment in the State. This is particularly unfair when one realizes that the migratory worker is a "resident" for purposes of paying license fees to Florida and a "non-resident" when applying for welfare funds from Florida.[25]

As another example, of government-made difficulties, Florida Statutes §205.331, which is concerned with "emigrant or labor agents," provides for the payment of $1,500.00 for a license to recruit any workers for out of state work. Such a license must be purchased in each county in which recruitment is done. This statute effectively eliminates private legal competition for the labor force by crew leaders and most individual farmers. Thus, the average crew leader, for whom such an amount is prohibitive, must either recruit workers surreptitiously and illegally or hope that he will be able to pick up a crew on the way to the next harvest. The exhorbitant licensing requirement also tends to defeat the purposes of the efforts of the national Bureau of Employment Security and the Florida State Employment Service. Thus, fewer farmworkers are recruited through "legal" channels which give the protection of Department of Labor regulations.

Recruitment is a complex area of the agricultural worker's life. He may make his job contact through: (a) a stable crew/crew leader situation, (b) a constantly changing

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for 450.061, will not apply to farm work outside of school hours.

[21] "Best estimates indicate that there are about 800,000 paid farmworkers under 16. The group comprises about one-fourth of the total farmwork force." supra note 5 at 32.

[22] For a concise discussion of the federal requirements, see "Agriculture and the Child Labor Requirements under the Fair Labor Standards Act," U.S. Dept. of Labor, Child Labor Bulletin No. 102, January, 1968.

[23] F.S.A. §§ 320.37-320.38.

[24] F.S.A. § 322.04(3), (4), (5).

[25] See "Welfare" infra note 1 and accompanying text.

"day haul" basis, (c) a direct solicitation from the farmer,[26] (d) the Farm Labor Placement Service.[27] Many workers prefer to work with a crew so that the responsibility for finding the job passes to the crew leader. Others enjoy the free choice of the "day haul" system where the committment involves nothing beyond that one day's labor. In areas where most of the labor force is local, it is common to find grower/worker relationships without the middleman. However, during the harvest peak, when a much larger work force is necessary even the farmers who do their own recruitment the remainder of the year may rely on a crew leader or the Placement Service to mobilize a large group of workers for a short period of time.

The role of the Farm Labor Placement Service[28] is not limited to the recruitment of workers for harvest. It administers

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26. Some crops tend to create a farmer/worker relationship. For example, approximately 40% of Florida's citrus pickers have worked for the same grower year after year or are recruited by the grower's foreman. *A Survey of Florida Citrus Harvest Workers, 1966-67*, Farm Labor Developments, U.S. Dept. of Labor, August 1968, pp. 24-36 at 25.
27. "The Office of Farm Labor Service of the Bureau of Employment Security is a part of the Manpower Administration of the U.S. Dept. of Labor." Supra note 2 at front cover.
28. The addresses of the Farm Labor Placement Offices in the MLS six-county area are:

Broward) East Palm Beach)	State Rd 7, P. O. Box 1989 Delray Beach, Florida Tom Easterling, Mgr.
Glades) Hendry) W. Palm Beach)	300 S.W. 16th Street Belle Glade, Florida J. W. Mosley, Mgr.
Charlotte) Desoto) Lee) Collier)	New Market Road Immokalee, Florida Paul Goldman, Mgr.
Dade)	Federal Highway, U.S. #1 P.O. Box 264 Princeton, Florida

The Southern Regional Office is:

Bureau of Employment Security
Route 631
1371 Peachtree Street, N.E.
Atlanta, Georgia 30309
V.A. Milton, Regional Director

the Annual Worker Plan,[29] a poorly executed effort but it does at least attempt to schedule successive work opportunities for migrants. At present, it is about the only federally-funded[30] agency theoretically concerned with upholding standards of employment conditions through limiting the use of its interstate placement service to growers who have met the Secretary of Labor's wage, housing and transportation regulations.[31]

Even after the recruitment process, the farm worker must somehow get to his job. If employment is local he will either provide his own transportation, ride with his crew, or wait at a designated pick-up corner to be "hauled" to the fields in buses. To the out-of-state worker, the trip to the job site is unpleasant, at best, and often truly dangerous. Those who drive their own vehicles are left to chance. Those traveling with crews, usually suffer marathon rides, in over-crowded, antiquated school buses, slat-sided vegetable trucks, or stuffy, enclosed truck trailers. If non-family workers are transported more than 75 miles across at least one state line in a vehicle other than a passenger automobile or station wagon, those providing the transportation are regulated by the Interstate Commerce Commission.[32] The regulations deal with the qualifications of the driver, maximum mileage and hours without rest and meal stops, and the condition of the vehicle. Unfortunately, enforcement mechanism for these regulations is virtually nonexistent. Florida, too, has legislated--and failed to enforce-a "Carriers of Migrant Farm Workers" Act.[33]

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[29] Supra notes 12, 13 and accompanying text.

[30] Supra note 5 at 50; supra note 3 at 25-32.

[31] The lack of success of this effort is poignantly illustrated in the plight of the crew in the MLS case, *Gomez v. Florida State Employment Service*,

[32] § 198 et seq. of the Motor Carrier Safety Regulations of the Interstate Commerce Commission. See *"To Crew Leaders, Drivers, and Owners of Motor Vehicles Transporting Migratory Farm Workers,"* Interstate Commerce Commission 1963.

[33] F.S.A. §§ 3.17.9931-33. Interview of State Highway Patrol Officials by MLS staff illustrates a complete lack of knowledge of the statute's existence. Once briefed by the staff of its contents, they felt the enforcement was probably intended by the Highway Patrol, but were unaware of any arrest ever made to enforce it.

The ICC transportation regulations might be rendered more effective by the realization of the promise of the Farm Labor Contractor Registration Act which was passed with the idea of having an effective means of tracing and regulating crew leaders.[34] Registration is dependent upon, among other things, the coverage of vehicles used to transport migrant workers by public liability insurance.[35] So far, the Act's impact has been considerably less significant than might be anticipated. In 1967, the field staff of the Department of Labor's section concerned with implementing the act was limited to five professional employees for the entire country.[36] Yet, even with such restrictions, 2,141 crew leaders were successfully registered in 1967.[37]

Crew leader registration may eventually be the key to combating another occupational hazard of farm work--the "Myth" of Social Security coverage.[38] Although statistics are notably lacking as to the number of South Florida seasonal farm workers receiving Social Security, the MLS field experience tends to suggest a near absence of practical coverage.[39] This situation is the result of several factors, not the least of which is the workers' reluctance to work on farms or with crew leaders who "take the pennies." This feeling on the part of the workers has probably developed because of group experience with crew leaders and farmers who take deductions and then fail to send the monies to the proper authorities. Such evasion on the part of those making deductions can be either maliciously motivated or the result of confusion as to those covered and those responsible. Often the matter will boil down to: Who is the Employer? Under present provisions, the crew leader is *generally* the employer of crew workers he furnishes *unless* there is a written agreement between the farmer and the crew leader, stating that the crew leader is the farmer's employee.[40] However, the problem is further muddied by a twist--*"either the farmer or the crew leader may be the employer if (t)here is no written agreement and the farmer or his agent pays the workers. In this situation, who ever has the final right to control the crew members in the performance of their work is the employer.*[41] The Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare has suggested that the law be modified so that the responsibility for withholding employees' tax and reporting wages be placed on the actual employer, the farmer.[42]

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[34] Pub. L. 88-582 (1964, 7 U.S.C. § 2044.

[35] Id.

[36] Supra note 5 at 36.

[37] Id.

[38] Social Security Amendments of 1956, ch. 836, Sec. 105, 70 Stat. 828, 42 U.S.C. 409 (1958). Coverage is presently limited by the $150 from one employer in a year or 20 days paid on a time basis during the year rule. See *"Agricultural Employer's Social Security Tax Guide,"* U.S. Treasury Dept., I.R.S. Pub. No. 51 (1967).

[39] MLS clients who receive Social Security benefits are few: Belle Glade - 2; Delray Beach - 19; Princeton - 5; Fort Myers - 37. Although not all our clients would be eligible for benefits, the number of recipients out of in excess of 2500 clients seen is remarkably low.

Farm workers are not only excluded from social and labor protections, but also--perhaps because of their lack of organization--must occasionally compete with foreign workers for jobs. Florida was the nation's largest employer of foreign agricultural labor in 1967.[43] In fact, the combined total of foreign workers in the rest of the states barely equals one-third of the number employed in Florida.[44] Thirty nine thousand and eight hundred[45] man-hours of British West Indians[46] employed in the sugar cane industry in Florida were logged in 1968. All of these workers, indeed all foreign workers in any occupation, enter the country under the Immigration and Nationality Act, Public Law 414.[47] The importation of foreign workers is supervised by the United States Department of Labor so that no adverse effect on the wages of domestic labor occurs.[48] Furthermore, the wages of sugar cane workers are set each year under the provisions of the Sugar Act of 1948.[49] The federally established minimum wage for the 1967-68 harvest was $1.45 an hour,[50] considerably higher than the $1.00 and, later, $1.15 minimums for domestic agricultural workers.[51] Since sugar is a very highly regulated industry and each of the sugar growers participates in the substantial benefits of the Sugar Act,[52] the higher minimum wage may be understandable on a strange formula in which the Federal subsidies actually subsidize wages.

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[40] See *Social Security Information for Crew Leaders and Farmers*, U.S. Treasury Dept., I.R.S., Pub. No. 365 (1967) 3.

[41] *Supra* note 5 at 55.

[42] *Supra* note 5 at 55.

[43] *Supra* note 5 at 13.

[44] *Id.*

[45] *Id.*

[46] For an excellent study of the BWI's role in Florida agriculture, See Kramer, *The Offshores*, 1966.

[47] 66 Stat. 166 (1952), as amended, 8 U.S.C. 1101, 1503 (1964).

[48] 20 *C.F.R.*, § 602.10, et seq.

[49] *The Sugar Act of 1937*, 7 U.S.C. § 1100, et seq.

[50] 7 *C.F.R.*, § 863.19(a)(1)(i)(b).

[51] *Fair Labor Standards Amendment* (1966), 29 U.S.C. 206(a)(5).

[52] *Supra* note 6.

Migrant Legal Services initially had little contact with the BWI's, but as a result of a single case, the Program's involvement has become considerable. The case, *Cole v. Heidtman,*[53] has led M.L.S. attorneys through the intracies of Labor Department regulations to a hearing by the State Department on the immunity from suit of the British West Indies Central Labour Organisation, the government contracting and recruiting agent.

The British West Indians burn the sugar cane fields in pre-harvest and wield the machetes that, even in this age of mechanization, cut almost all the cane in Florida. This work is probably the dirtiest, hardest, and most dangerous agricultural work in the country.[54] However, almost all work of the seasonal farm laborer is repetitious, exhausting and hot. In South Florida it frequently seems to be impossibly hot. Male workers wear dirty-grey sweat bands around their foreheads to keep the moisture from flowing into their eyes. Negroes who have straightened their hair have bright handkerchiefs wrapped tightly around the hair to protect the"process". *Big, floppy hats dot the Mexican-American crews.* The majority of the work must be done during the heat of the day -- and stoop labor, hoeing, or cane cutting is sweaty work under the coolest conditions. Although water[55] for drinking and washing is supposed to be provided[56] in the field, many M.L.S. surveys have found that this requirement is violated.[57] Perhaps an even more essential violation is the failure to provide toilet facilities[58] during the working day. The degrading effect of this upon the worker and the health hazard to both those working in the field and the ultimate consumer of the produce is obvious. Other conditions which would shock the urban worker include lack of frequent rest periods and food which is often either unavailable or only for purchase at enormously marked-up prices by the crew leader.

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[53] *68-245-Civ-TC* (S.D. Fla. February 29, 1968). The suit essentially raises questions about the unconstitutional deprivation of civil rights of Jamaican sugar cane workers during a peaceful labor dispute and about the subsequent illegal arrest, imprisonment and blacklisting of the workers. The suit also raises important questions about the systematic deprivation of wages due to the men under federal regulations.

[54] *Supra* note 46 at 46.

[55] Fla. Administrative Code, *Sanitary Code for Buildings Serving the Public and Places of Employment,* Chapter 170C-8.13.

[56] Those *establishments subject to regulation* are defined as:

> *"(1) Places of Employment - Every person, firm or corporation employing one or more persons must provide adequate sanitary facilities for such employee or employees; and when ten (10) or more persons are employed at the same establishment then equal facilities shall be provided for each sex.*
>
> ** * *"* Id. at 170C-8.03.

[57] From information supplied by M.L.S. investigators.

[58] *Supra* note 55 at 170C-8.04, et seq.

To the observer, it seems that the heat would be more nearly bearable if the rhythm of picking was not of such unbroken monotony. Since many field workers begin picking when they are children, the sameness of the work makes it possible for a degree of expertise to develop. Some workers choose certain crops and only pick tomatoes or celery. Others switch constantly. Those persons who work on a *day haul*[59] basis, i.e., early morning hiring in a town followed by a bus-trip to the fields, have little decision as to the particular crop and are usually the less dependable, slower workers. These men are simply paid at the end of the day and go through the whole hiring procedure again the next time they want to work. *Most Mexican-Americans prefer the crew system where a man can be paid by the week if he desires.* The prevailing practice[60] is still, however, daily pay by the crew leader based on his memory of the day's picking. Any debts or deductions are taken before the money goes to the worker.

The wage is usually figured on a piece-rate; that is, so much per bushel, crate or pound. By federal law, this piece-rate wage must equal the federal minimum hourly wage.[61] When one realizes the method of computing the hours, it is obvious that the piece-rate, although low, will almost always equal the hourly figure. The worker is *not* paid for time spent going to and from the field,[62] time spent waiting for the crop to be ready,[63] time spent eating, time when no work is available or no new row assignment has been made, time when it is raining, or time when the crop-dusters spray the plants.

All of these determinations can be sources of employment problems, but they are invariably settled by the crew leader or farmer's representative[64] and never make it to a lawyer's office. If decisions regarding wages or hours seem unfair, the worker can change to another crew leader, another farmer. This is of little avail as long as there is practically no competition for workers --

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[59] See generally *The Day Haul*, U.S. Dept. of Labor, 1967.

[60] Other methods of payment included daily tickets, weekly punch cards and flat hour, day, or week rates.

[61] *Fair Labor Standards Act*, 29 U.S.C. 213, et seq.

[62] This travel time averages one to two hours in Lee and Collier County and probably is as high in Dade. Thus, the man who lives in an on-farm labor camp starts far ahead of the city dweller who rides to the fields.

[63] *E.G.*, tomatoes cannot be picked while still wet from dew. This means unpaid-time sitting, waiting for the dew to dry.

[64] Indicative of basic hostility, Rudolfo Juarez, M.L.S. investigator, notes that when workers are paid by the farmer, the man distributing the money is usually not alone and seldom ever unarmed, although this may merely be a precaution against robbery.

all farms pay about the same,[65] and enforce about the same conditions. However, the Department of Labor anticipates a change in this situation:

> *In coming years, the migrant work force is likely to be smaller, more highly skilled, and better paid. During the recent economic expansion, workers have been dropping out of the migratory stream to take better paying jobs in industry. Other migrants are making efforts to educate their children to qualify for non-farm jobs. As the supply of migrants dwindles and farm wages rise, farmers will be induced to mechanize or find other ways to use migrants more efficiently.*
>
> *. . . /The farmer-employer/ might decide that, as competition for workers increases, housing will become more significant as a bargaining point and that he should, therefore, be prepared to make a larger investment than would otherwise be feasible. On the other hand, he might decide that it would be more desirable for him to increase wage rates or provide rental allowances . . . .*[66]

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[65] Workers say wages are better up North, but that the higher cost of living makes things about the same.

[66] *Housing for Migrant Farmworkers*, Farm Labor Developments, U.S. Dept. of Labor, October 1968, 18-19.

HOUSING

PRIVATE HOUSING

NON-LABOR CAMP

In most instances it is strikingly clear when you are in a neighborhood where farm laborers reside because that is where the paved roads end. In the summer the ditches next to the road are constantly filled with water and the water is never still because of the mosquitos constantly darting about on the surface. During the winter (the dry period) the ditches are dusty as are the yards. In the rainy season the water does not end at the ditches but stands in stagnant pools surrounding each of the homes. Old cars with broken windows, tin cans, rags, and an abundance of trash and garbage stand in the stagnant pools of water and sometimes on dry land and give the appearance of a vacated battlefield.

There is the constant presence of many children darting in and out of the broken glass and bottles and playing in the stagnant puddles and using the broken down cars for trapezes, jungle jims, swings, and any other imaginary object that their limited experience would allow them to conjure up.

An overwhelming impression after visiting any of the houses is that they are in constant need of repair. Front doors are hung improperly or broken. Porches are on the ground or nonexistent. Windows are half out of their encasements. The roofs are a sea of patchwork and old shingles or in some cases are made of tin.

During the heavy rainy periods water leaks into the house through breaches in the walls or through improperly constructed windows. Everything smells of mildew. It is impossible to keep a house clean because the children track in mud from the outside and it mixes with the water on the inside resulting in filth. No matter how diligently the residents attempt to maintain cleanliness it is impossible to fight the elements which cannot be kept out of shoddy houses in disrepair.

Upon entering each of the homes the same smell greets you. It is a mixture of odors from backed up toilets and tubs. A slight, faint odor of urine and an overwhelming pallor of gloom and deprivation prevail. When indoor toilets are present, they frequently are in disrepair or will not flush properly during rainy periods. During those periods when the toilet is stopped up, the bath tub is also unusable, making it impossible to observe the basic rudiments of health and well being.

When septic tanks overflow the waste bubbles up and fills the yard with a rancid smell. Landlords are called but they do not react. The stock answer is that when the dry weather comes the septic tank will work perfectly. In many cases the septic tanks were imperfectly constructed and placed in such a manner so that they are higher than the toilets themselves. There are also cases where the pipes from the toilets to the septic tanks were too small to carry the waste products. The natural result of these problems is no drainage and toilets that do not function.

If water is taken from the wells the water smells bad, tastes bad, and often is not potable. When local health departments are called they usually find no problem with the water. Yet when surveys are taken by the residents and sent to the health department with samples, frequently the water comes back labeled "non-usuable for human consumption." As a result, on many tables, there are water buckets or water jars from water that has been hauled from inside nearby cities.

The lighting fixtures, when they are present, consist of a bare light bulb hanging from the ceiling by an electric wire. The wire is exposed as it runs from the bulb to the ceiling and across the ceiling to the next room and finally to the outside electrical connection. Many residents complain that when they touch the outlet or attempt to change a bulb they are rudely startled by a shock from the exposed wiring. This is especially prevalent on rainy days.

In the heat of a summer's day all the windows in every home are open and usually there are no screens to prohibit flies, mosquitos and other pests from having free access to the houses. But there is a choice of suffocating from the ever present heat or being bothered by the smaller but no less annoying insects. All choose to fight the insects and not the heat.

The greatest haven for pests and bugs is under the kitchen sinks. When the doors of the cabinets have been opened to expose the rusted and leaky pipes, hundreds and thousands of small bugs and rodents scurry away from the light of day and from the eyes of the onlooker. It is not a pretty sight. The residents complain frequently of the rats -- rats which are a natural result of garbage in the yards, bad plumbing, and poor construction.

The residents complain to the various local officials about the lack of mosquito control. The officials always promise to spray the next day. More often than not the mosquito control unit is never seen.

Many persons renting from landlords pay an extra dollar a week for garbage collection services. In rural areas as a rule counties do not provide garbage service. It is the rare landlord who conscientiously collects the garbage on a weekly basis. As a result garbage overflows in cans, and dogs and children strew the garbage from one end of the yard to the other. Ditches are filled with debris and decaying food and other remnants of human waste. The landlord's answer to the problem is that the people are inherently dirty. But he doesn't provide garbage cans and he doesn't provide garbage service for which the tenants are paying.

* * * * * * * *

The foregoing, based on observations of MLS staff members, describes many of the everyday housing nuisances and outright dangers encountered by the low-income families of seasonal farm workers in southern Florida. It represents a bleak picture and one that is most difficult to remedy for people without the financial means or bargaining position to demand or rent, much less buy, better housing. They have no alternative even if they could afford it.

For what was described above and what you see in the accompanying photographs, a worker is forced to pay between $6.00 to $12.00 a week, without benefit of a lease agreement. Often the most deplorable shack rents for the highest price simply because the season is on and there are no other quarters of any kind available, even at great distances from the farms. Even in the isolated instance where suitable rural housing is vacant for occupancy, the migrant laborer is turned away because he does not meet the landlord's criteria of a suitable tenant. In other words, he is black, Mexican, or cannot demonstrate financial ability with a steady income.[1]

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1. It is revealing to figure the cost per square footage that seasonal farmworkers are forced to pay as compared to the square footage cost paid by middle-income residents in the same locality. In Fort Myers, a typical 2-bedroom house rented for $10.50 per week consists of 450 sq.ft. of living space. This amounts to a payment of *$1.26 per square foot per year*. Two miles away, an MLS attorney is renting a 2-bedroom air-conditioned house situated on a quarter acre of land, with living space of 1200 sq.ft. and pays the equivalent

Thus, the first hurdle to be mounted by the migrant worker is to locate some sort of shelter for his family, and he takes whatever he finds. Once settled and confronted with these unlivable conditions, there are legal means and pressures he can exert to correct certain of these nuisances. However, none of these measures are without concurrent risks to the tenants, such as eviction, or more improbably condemnation, which would have the same effect. There is some plausibility to the argument that some shelter, albeit abominable, is better than nothing at all.

That is not to say the problems are insoluble or too complex for people of limited education to grapple with. Housing is too basic a need not to merit the effort. With proper guidance and legal support, there are four general avenues of approach open to low-income families who are now forced to live in deplorable housing: 1) persuasion and negotiation; 2) enforcement of housing codes where in effect, or enforcement of Florida nuisance laws where no housing codes exist; 3) lobbying with local authorities to enact stringent countywide housing regulations; and 4) bringing new housing into the area under various federal programs.

The first attack through persuasion or moral inducement is both uncertain and incomplete, unless the landlord involved is genuinely concerned with more than collecting his rents. One group of exasperated tenants in the Negro section of Boca Raton, under advisement from MLS attorneys, were successful in threatening the landlord with rent strike if needed repairs were not made. The efforts of the residents' association prodded the landlord into action with more promises than repairs forthcoming. But progress has begun on new roofs, painting, and installation of new plumbing facilities in some of the apartments. Perhaps most importantly, the residents themselves realized they could get something accomplished, and with the expectation that repairs would be made, they have cooperated in a clean-up day making the entire project more attractive.

The essential ingredient in obtaining compliance with housing codes and regulations, where they exist, seems to be the number of tenants who are willing to make their complaints known. Only if the landlord or realtor managing the property are faced with action as drastic as a rent strike will the immediate complaints be satisfied. Individual calls of distress for faulty plumbing, electricity or garbage collection, are most often un-

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of *$1.10 per square foot per year.* A similar comparison was made between a typical 1-bedroom labor camp dwelling in Dade County and one of the attorney's homes nearby. For total square footage of 329, the farmworker pays $12.00 per week, or *$1.89 per square foot per year* while the attorney, living in considerably more comfortable and sanitary quarters, pays *$1.64 per square foot per year.* For this he receives lawn maintenance and use of two air conditioners and a washing machine.

heeded. Likewise, bringing violations in the local housing or health regulations to the attention of the department officials responsible for their enforcement are to no avail because their sanctions and authority are ineffective to deal with the overall problem of a housing shortage.[2]

Most rural housing is not covered by housing codes or regulations, because only the cities have jurisdiction over housing authorities.[3] Housing occupied by farm workers is located in unincorporated towns and outlying areas of the county. Residents should attempt to persuade the local county commissioners to enact housing codes and regulations, both to give guide lines to builders and to protect tenants' rights. The larger the group **of irate** tenants, the more effective will be their lobbying measures on the commissioners to enforce stringent requirements. This legislative process is obviously not an immediate palliative.

One of the complicating factors in the enforcement of housing, building or health codes and regulations is the undefined (and often overlapping) jurisdiction of the various authorities charged with their enforcement. In addition to local city or county housing authorities, the Hotel and Restaurant Commission and the State Board of Health operate statewide.

The Hotel and Restaurant Commission requires all "public lodging establishments"[4] to be licensed and has the power to *carry out and execute all the provisions of this chapter and all other laws now in force or which may hereafter be enacted relating to the inspection or regulation of public lodging and public food service establishments for the purpose of safeguarding the public health, safety and welfare.* This implies that not only can the Commission promulgate and enforce its own regulations, but those of the state or local health departments as well when pertaining to public lodging establishments. The sanctions available to the Commission appear to be limited to suspension or revocation of a license once granted.[5]

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[2] The housing shortage is so acute that substandard housing cannot be condemned simply because there is no other place for persons thereby displaced to move. The Fort Myers Housing Authority (Lee County) which manages three projects serving low-income persons has a waiting list for each that could easily fill 10 more such projects.

[3] F.S.A. §421.04.

[4] F.S.A. §509.241. This definition includes: "All buildings, groups of buildings, or other structures kept, used, maintained, advertised as, or held out to the public to be places where sleeping or housekeeping accommodations are supplied for pay to transient or permanent guests or tenants, and apartments, except as hereinafter exempted, are defined and shall be licensed as public lodging establishments..."

The State Board of Health likewise issues licenses for migrant labor camps, which are defined in more restrictive terms than public lodging establishments.[6] The only difference in terms of the jurisdiction of the Hotel and Restaurant Commission and the State Board of Health as regards migrant housing is the requirement of *15 or more persons* for the Health Department to step in, and the further fact that the Health Department can act whether rent is paid or not, whereas the Commission is restricted to *accommodations for pay*. The State Board of Health has promulgated very explicit sanitary regulations and has the power to enforce them by withholding or revoking a license as well as invoking criminal sanctions.[7]

Local codes vary greatly from the rather stringent Dade County *metro* code to the non-existent Lee County Code. In view of the abundance of administrative authorities and the dearth of meaningful regulations or effective sanctions, it is obvious that housing code enforcement is not an easy route for a distraught tenant.

In the interim, tenants with especially pressing problems can seek to legally enforce Florida nuisance laws, or other common law remedies. Again the dangers are great that the initiation of a legal proceeding will cause the tenant to be evicted, but then again the pendency of a legal proceeding may coerce the landlord into making necessary repairs. The Courts have the power to protect the tenant by putting the property in receivership with an order restraining the landlord from interfering with the tenant's occupancy pending outcome of the litigation. MLS is currently working with clients in testing all of the above methods to achieve the desired result of better housing.

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5. F.S.A. Section 509.261.
6. F.S.A. Section 381.422(1) defines *migrant labor camp* as: "One or more buildings or structures, tents, trailers, or vehicles, together with the land appertaining thereto, established, operated or used as living quarters for fifteen or more seasonal, temporary, or migrant workers whether or not rent is paid or reserved in connection with the use or occupancy of such premises. . . ."
7. F.S.A. Sections 381.462, 381.411.

While part of the housing problem can be met by improving the already existing units, the only possible way to solve the housing shortage is by a massive program of construction. Each of the MLS field offices is working with clients, civic and church groups on projects to initiate new housing. The first and most advanced such project is for a group of clients in the town of Pahokee in Palm Beach County. The Glades Citizens Association, Inc. (GCA), a local Negro civic group most of whose members work in agriculture, asked the help of MLS attorneys in obtaining new housing. Prior to consulting MLS the group had attempted to get a grant from OEO for a self-help housing project, but had been unsuccessful.

At about the same time that GCA was talking to MLS about housing, a representative of the Foundation For Cooperative Housing[8] (FCH) contacted MLS and informed the staff that there was money available under §515(a) of the Housing Act of 1949 for Cooperative Housing. Together, FCH and MLS began to prepare an application on behalf of GCA for a coop housing porject. Without any funds to work with a MLS attorney obtained an option on a thirty one acre tract of land, obtained a resolution from the Pahokee City Commission approving the project, worked out water and sewer hookups and, together with GCA officers, prepared over 150 individual Farmers Home eligibility applications. FCH prepared a site plan and put together the data necessary for submitting a formal application to Farmers Home Administration. The Catholic Archdiocese of Miami was added as a co-sponsor.

The final plan was for a cooperative of 131 individual dwelling units plus a recreation center. The houses were to be prefabricated of plywood under a process perfected by a Florida manufacturer working through a Federal Housing authority experimental program.

Despite the fact that there had been many prior conferences between MLS, FCH and Farmers Home; when the application was submitted, Farmers Home refused it, stating it was not authorized to lend more than $300,000 to any one project. Attorneys retained by FCH as well as MLS attorneys rechecked the act, finding that there was such a restriction on section (b) but not on section (a) under which GCA's application had been submitted. Although informed of this finding, Farmers

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[8] A private non-profit group organized for the purpose of promoting cooperative housing. Through a subsidrary FCH Services, Inc., it provides technical help to those wishing to construct such housing.

Home refused to recede from its position. Rather than engage in an administrative battle which might result in a law suit, and thereby indefinitely delay the project, it was decided to withdraw the application and in its place submit to the Federal Housing Authority under § 235 of the Housing and Urban Development Act of 1968.[9]

The Housing and Urban Development Act of 1968 originally envisioned 26 million new or rehabilitated housing units over the next ten years, with 6,000,000 going to low income families. The Act's lofty aim is to rid the nation of all substandard housing.

Congress was asked to fund each of these two sections at $75,000,000 for the first year of operation. Instead it slashed its appropriation for each to $25,000,000.[10]

A slash in funds such as this will certainly impede the progress that this Act was meant to achieve, and its effect will be felt in all areas. But, its effect will most likely be more injurious in rural areas since the priorities on what money has been appropriated has been allocated to socially explosive urban ghettos.

Section 235 applications and projects in rural areas will be processed by Farmers Home Administration with the technical assistance of the Federal Housing Administration, while projects and applications in rural areas under section 236 will be administered by Federal Housing Administration, due to the inherent difficulty of large scale rental projects. For like reason cooperative housing projects under § 235 will be administered by the Federal Housing Authority.

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[9] P.L. 90-448, Aug. 1, 1968.
Section 235 will enable families earning from $3,000 to $7,080 to buy homes for as little as $200 down and monthly payments equal to 20 per cent of monthly income. The federal government will pay all mortgage cost beyond 1 per cent interest, which includes taxes and fire insurance. Families can purchase homes at a cost up to $15,000. For example, a family earning $3,600 could pay as little as $60 monthly for a $12,000 home.
Section 236, the new rental program, operates in the same manner except that tenants will pay 25 per cent of their income for rent. The government subsidizes all but 1 per cent of mortgage charges. Mortgages may run for 40 years under the home ownership and rental programs neither of which require *community workable* programs.

[10] Prentiss Hall, Federal Aids to Financing Report, Bulletin #9, November 1, 1968.

Therefore the urban centered priorities of the Federal Housing Administration, will be applied to rural areas casting very worthy rural multi-family projects to the back of the line.

Thus, for example under the present agreement between HUD and USDA the Secretary of HUD has made available to the Secretary of Agriculture the sum of $2 million in contract authority for assistance payments on behalf of lower income homeowners who purchase homes under the section 235(i) program.

With this lack of money and priorities in mind, consider the following approach to the housing needs of the rural poor.

The Fort Myers office of MLS became involved in assisting persons who live in an area known as Harlem Heights, approximately 12 miles from Fort Myers, Florida, in obtaining housing under the new housing act. The location of this community is in a particular area of the county which is rural in character.

The community is surrounded by various farms who employ many persons in the area.[11]

Best estimates of long time residents indicate that the first persons to inhabit this area (Heights) were Negro farm laborers. This was approximately 1935.

After the second World War a physician in Fort Myers constructed approximately 125 rental units in Heights.[12] Other housing was similarly constructed and taverns, stores, churches, and an elementary school followed.

Within the last year a significant portion of the residents began to attempt to improve the community's physical environment.[13]

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11. 70% of the full-time employed persons who were surveyed listed farming as an occupation. The remainder of those interviewed are employed in construction, restaurants, motels, domestic labor, yard work, trucking, and custodial positions. The 70% finding remains constant within the separate categories of males and females. See Survey of Housing Needs -- Harlem Heights, prepared by MLS (unpublished).
12. The greatest portion of these units are still standing. They are of wooden frame construction. The Survey of Housing Needs, Supra, indicated that all of these units were substandard or dilapidated. For instance it was indicated that 30% of the roofs leaked. (These percentages includes housing other than the rental housing). 71% had no hot running water. Over one half had no indoor toilets. 52% complained of a severe lack of space in the home. Nearly 90% have yard drainage problems. 48% are plagued by deficient windows, screens, or doors; 86% were not provided with heat -- and 92% are vermin infested.
13. A day care center was incorporated and is in operation. 18 families are presently constructing or have built single family

The greatest need identified by the association was that of low cost, decent housing for all of the residents. The physician who owned the greater portion of the housing in the area passed away. The estate incurred a massive federal tax liability and is attempting to sell the property. In addition, the housing was cited as being in violation of the sanitation regulations of the State Hotel and Restaurant Commission.

All of these factors combined to create a critical and immediate need for housing in the area.[14]

Initially MLS worked closely with the Improvement Association and the local NAACP office in presenting to the residents various alternative solutions. This included a review of programs financed by Farmers Home Administration, Self-Help Housing, and the Housing Act of 1968. Similarly a housing committee was established by the Improvement Association to visit various builders to discuss construction techniques, costs, and other pertinent factors. Also, the committee, with the aid of many persons, began to search for a suitable site for the proposed project.

The most important single ingredient of this preliminary work was to find an indigenous, experienced non-profit sponsor. After contacting many church, civic, and related groups MLS attorneys met with representatives of the Presbyterian Social Ministery (PSM), an arm of the United Presbyterian Church, in St. Petersburg. This group has achieved great success in the Tampa Bay Area, as well as in Fort Myers, in developing communities for low-income elderly persons and minority groups.

Representatives of PSM met with the Improvement Association and many residents of the Heights area subsequent to their initial contact with MLS Attorneys. PSM was impressed

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dwellings under the federally funded Self-Helf Housing Program. The Heights Improvement Association was incorporated and began to attack the problem of (a) community recreational facilities, (b) speed limits within the community, (c) provide for the construction of side walks on the main road, (d) the establishment of a volunteer fire department, and (e) obtaining a lighting district.

[14] The *Survey of Housing Needs*, supra, indicates that over 75% of the heads of households were interested in moving into new housing as it was made available.

by the community spirit and stability of the group as well as the need for housing. PSM has agreed to serve as the non-profit sponsor.

All concerned agreed to attempt to obtain financing under the below-market interest rate provisions of either sections 235 or 236 of the Housing and Urban Development Act of 1968. There is some question as to whether Farmers Home Administration or the Federal Housing Authority will handle rural projects under particular subsections of sections 235 and 236. To some degree this will dictate the section of the Act under which the application for funding will be filed.

Meetings were held with the Federal Housing Authority in Coral Gables, Florida, and the Farmers Home Administration in Fort Myers. The purpose of these meetings was to establish which agency will retain jurisdiction over the proposed venture.

Once the agency relationships are established further action can be taken regarding applications for financing, land sites, type of construction needed, and other problems.

Other possibilities for rural home ownership exist in the Self-help Housing Program. Self-help Housing is specifically designed to help those families who do not have enough income to build modest homes by customary methods, to work together by using their own construction labor, and to help each other build homes of their own. When as many as seven families make application for authorization to build a home and they are approved by the FHA, work can be started on the homes through the total work effort of the group of seven or more families. The Southwest Florida Self-help Housing Corporation, located in Fort Myers, has lots available for families meeting the following requirements: those living in a rural community who have worked in agriculture for the past three years (earning 50% of their income in agriculture), who have a reasonably good credit record.[15]

A detailed commentary on the numerous sections of the new 1968 housing laws, or the previously existing federal assistance programs, could in itself fill many volumes. All that is attempted to be shown here is that such programs do exist for rural areas suffering from housing shortages. They can be utilized to the farm workers' advantage only through concerted group efforts and determination, with proper guidance as to the most appropriate program for their income and needs.

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15. According to the latest figures available, 200 self-help houses have already been constructed or are in the process of construction as of December 1, 1968.

LABOR CAMP HOUSING

The topic of private housing for seasonal farm workers was purposely discussed first to counteract the general assumption that all workers live in labor camps. As to how many agricultural workers live in the "labor camp" situation, one can only hazard an educated guess.

> "A high proportion (about 55%) of [all hired farm] workers...live in rented or rent-free houses, from which moves can be made with relative ease."[16]
>
> "Growers provide most of the housing facilities, generally unsuitable."[17]

Considering the scarcity of rural low rent units, the logical conclusion is that a significant proportion of the migratory labor force and their families are housed in grower-owned housing. This assumption is re-enforced by the constant assurance of the farmers' organizations that agriculture is unique in that employee housing is supplied by the employer.[18].

The assumption is fallacious on two counts when applied to the six county area of southern Florida. First of all, grower provided housing is not supplied rent free to the migrants. The prevailing system is to deduct rent from the workers' wages, or to carry the amount charged as a debt to be paid at intervals or at the end of the season. At Camp Happy in Collier County, operated by Naples Fruit and Vegetable Co., "Records show room and board to be $15 a week, which alumni say was payable whether a worker ate or not at the company mess."[19]

Secondly, the percentage of migrant workers living in labor camps is far less than the 55% figure estimated nationally. The following chart has been compiled[20] to illustrate the often very minimal percentage of migrants housed in labor camps in the six county region served by MLS. It should be further pointed out that the percentage has continued to decrease each year in each of these counties, although there has been no concurrent reduction in the total number of migrants coming into these counties. The chart should be self-explanatory.

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[16] *Hearings on Migratory Labor Legislation* (S. 8, S. 195, S. 197, S. 198) Part 4 Appendix - Vol. II at 948.

[17] "The Migrant Worker," The National League of Women Voters, Facts and Issues, Dec. 1967, p.7.

[18] *See E.g.*, *Hearings*, *supra* at 305, 330, 558, 742, 746, 998.

[19] Samuel Adams, "Migrants Lot Not a Happy One at Camp Happy," St. Petersburg Times, April 21, 1968.

[20] From the Fifth Annual Progress Report, Florida Migrant Health Project, 1967-1968.

COUNTY	NO. OF LABOR CAMPS	PERSONS HOUSED IN CAMPS	PERSONS IN OTHER HOUSING	% IN LABOR CAMPS
Broward	22 (4 permitted)	2,790	14,000	17%
Collier	126 (99 permitted)	5,053	16,947	22%
Dade	22 (same # permitted)	5,760	7,000- 8,000	45-41%
Hendry*	34 (8 permitted)	1,291	6,200	17%
Lee	11 (3 permitted)	730	11,950	5%
Palm Beach	132 (104 permitted)	19,926	18,416	52%
SIX-COUNTY TOTALS	349	35,550	75,513	32%

* Separate figures on Hendry County not available. This includes Glades County.

Thus, only in Palm Beach County does the percentage approximate that of the estimated national average. There are several explanations for these figures, which can best be outlined by highlighting the 1967-68 county reports from the Division of Sanitation, Florida State Board of Health. Before presenting the county-by-county breakdown, there are certain uniform practices and procedures regarding certification of labor camps in Florida that should be explained.

It will be noted from the first column of the above chart that the total number of labor camps present in each county is greater than the number of "permitted" labor camps, in each of the six counties except Dade. In other words, certain camps are operating in contravention of Florida laws.[21] The regulation states specifically:

> "*170 C-32.04 permit for operation* -- before any person shall either directly or indirectly operate a camp he shall make an application for and receive from the board (Florida State Board of Health) a valid permit for operation of the camp."

Each prospective camp operator is directed to apply for a permit through the local health department at least 15 days prior to commencement of camp operation. If the county health board then finds that the camp conforms or *will conform* to the minimum standards required by state regulations, a permit will be issued.[22] The regulations do not set forth any criteria by which to judge whether a prospective "will conform," and this is presumably left to the individual investigators.

By law, an employer must further comply with Federal regulations if he wishes to use the facilities of the State Employment Security System for the interstate recruitment of agricultural workers. The U.S. Department of Labor requires that before an employer may receive interstate agricultural worker recruitment assistance, his housing must be inspected for compliance with the regulations by appropriate state employment service personnel. However, as a facilitating procedure, the State Employment Security Agency may rely upon the judgment of other responsible state or local health agencies if such state codes are equivalent to the standards set forth by the President's Committee on Migratory Labor.[23]

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21. FSA 381,031(i)(g), 381.432; Rules of the State Board of Health, the Sanitary Code of Florida, ch. 170C-32.
22. Rules of the State Board of Health, the Sanitary Code of Florida, 170C-32.05.
23. President's Committee on Migratory Labor (PCML) Aug. 1954-Jan. 1964. See Housing Regulations of the U.S. Department of Labor, Manpower Administration (1968).

Of the housing codes now in effect, the 1959 Florida code is considered to meet all the standards suggested by the President's Committee.[24] Thus, for all practical purposes, the Farm Labor Placement Service of Florida (the delegate agency of the State Employment Security Department) relies on the judgment of the county health departments for the inspection and licensing of labor camps. In view of the fact that permits may be issued to labor camp operators who allege they "will conform to the regulations," it is regrettable that no follow-up inspection procedures have been instituted either by the Farm Labor Placement Service or the county health department who originally issues the permit on a conditional basis.

In addition to the overall requirement of inspection and licensing, each county faces its own problems and difficulties in upgrading labor camps. Budget limitations throughout the six county area impose realistic limitations on the amount of work the small sanitation service staffs of the county health department can accomplish. These departments are responsible for a number of activities besides inspection and licensing; such as, the planning and enforcement of all labor camp regulations, educating camp owners and residents alike on the importance of good sanitary practices, and providing consultation and guidance to growers, health department staff members, personnel of other agencies, and others concerned with migrant sanitation. The various methods by which these objectives are pursued in each county are detailed below:

Broward: The sanitation branch of the Broward County Migrant Health Program has attempted during the past year to upgrade labor camp facilities, as well as up grade the entire migrant community (those areas in which migrants live, work, or patronize).[25]

Emphasis during the past year has been centered on the elimination of shack-type living, with their total removal at two camps, and removal of two-thirds of the shacks at another. This was accomplished under the condemnation programs of the Pompano Beach and Deerfield Beach communities. While the county has condemnation powers, it has not as yet used them.

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[24] See Housing for Migrant Agricultural Workers, Labor Camp Standards, Bulletin 235 (Revised) Nov. 1962. p. 4,7. A Chart showing the differences in provisions of the Florida Housing Code and the Dept. of Labor Regulations is attached.

[25] This entire section is a synopsis of the Broward County Migrant Health Project, Annual Progress Report, *Sanitation* found at pp. 41-46 of the Fifth Annual Report of the Florida Migrant Health Project, 1967-1968.

DIFFERENCES IN PROVISIONS OF

ITEM	FLORIDA HOUSING CODE	U. S. DEPARTMENT OF LABOR HOUSING REGULATIONS
1 Coverage	Housing 15 or more workers in building structures, tents or trailers.	Housing 1 or more interstate workers in bldgs., structures, tents or trailers.
2 Notice of Construction or Modification	15 day notice to Board of Health.	Silent
3 Penalty for Sub-Standard Housing	Denial of permit.	Denial of use of Employment Service facilities in the recruitment of interstate workers.
4 Camp Site	No camp structure shall be located less than 200 feet from barns, pens, etc.	Working essentially the same except that the 200 foot limitation is not included.
	All camp sites shall be adequate in size to permit locating of bldgs. so as to minimize the hazards of fire.	Not covered.
	Not covered.	Grounds shall be free from noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.
5 Housing Structure - Shelters	Wooden floors in bldgs. without cellar or basement shall be elevated 18" above ground level. Concrete floors shall be elevated 12" above ground level.	All floors shall be so located as to prevent the entrance of ground or surface water.
	All sleeping rooms shall provide a minimum of 300 cubic feet for each occupant.	50 sq. ft. per person in dormitories with single beds--used for sleeping only 40 sq. ft. per person in dormitories with double beds--used for sleeping only.
	Ceiling height above 9' or below 6' shall not be counted in computing sleeping space.	No floor area shall be counted where the ceiling height is less than 5'.
	All family living quarters hereafter constructed shall have 70 sq ft for first person and 50 sq ft for all others.	50 sq. ft. in family type housing used for sleeping purposes only. 60 sq. ft. in family type housing used for cooking and sleeping.

ITEM	FLORIDA HOUSING CODE	U. S. DEPARTMENT OF LABOR HOUSING REGULATIONS
5 (Continued)	Not covered.	Adequate and separate arrangements for hanging clothing and storing personal effects for each occupant.
	Not covered.	Housing for families with 1 or more children over 6 shall have room or partitioned area for husband or wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.
	House trailers shall have a minimum of 20 sq. ft. of clear floor area for each occupant.	Not covered.
6 Water Supply	Water supply shall provide at least 35 gallons per person per day.	Supply adequate to meet the standards of the State Health Authority.
	Where water is distributed under pressure the supply rate shall be 2-1/2 times the average hourly demand.	Not covered.
	Hot water for bathing and dishwashing shall be available in all camps hereafter constructed. Water under pressure shall be supplied for cooking, bathing, laundering or dishwashing.	Hot and cold water under pressure shall be provided for cooking, bathing, laundering and dishwashing.
	Not covered.	Common drinking cups shall not be permitted.
7 Garbage and Refuse Disposal	Sufficient 20 gallon metal garbage cans shall be provided. Said cans must be emptied and cleaned as often as necessary.	One 20 gallon container for each 15 persons shall be provided. Said containers shall be emptied and cleaned at least twice a week and more often if necessary.
	Disposal of garbage, kitchen wastes or other refuse shall be by incineration, grinding, burial or incorporation in a sanitary landfill.	Disposal of garbage, which includes refuse, shall be in accordance with state and local law.

ITEM	FLORIDA HOUSING CODE	U. S. DEPARTMENT OF LABOR HOUSING REGULATIONS
8 Insect and Rodent Control	Effective measures must be taken to control rats, flies, mosquitoes, bed bugs or other insect vectors or parasites within the camp premises.	Housing and facilities shall be free of insects, rodents, or other vermin.
	Not covered except for screening.	All screen doors shall be tight fitting, in good repair, and equipped with self closing devices.
9 Heating	Adequate heat for 70 degree temperature.	Adequate heat for 68 degree temperature.
	Walls and ceilings within 24" of stoves must be fire resistant.	Walls and ceilings within 18" of stoves must be fire resistant.
	Not specifically covered.	No portable heaters other than those operated by electricity shall be provided.
10 Lighting	Where electric service is available each habitable room shall be provided one ceiling light and a separate double electric wall outlet.	All habitable rooms shall be provided one ceiling or wall light and one wall type electrical outlet.
	Wiring installed in accordance with local ordinance or national electrical code.	Wiring and fixtures installed and maintained in a safe condition.
	Not covered.	Adequate lighting for yard areas and pathways to common use facilities.
11 Excretia and Liquid Waste Disposal	Provisions of both essentially the same.	Must comply with State Health Authority requirements.
12 Plumbing	Installation of all plumbing must be in accordance with State or local standards, whichever is higher.	Not covered.
13 Toilet Facilities	One toilet for each 15 women. One toilet for each 20 men.	One toilet for each 15 men or women.

ITEM	FLORIDA HOUSING CODE	U. S. DEPARTMENT OF LABOR HOUSING REGULATIONS
13 (Continued)	Minimum of 2 toilets for shared facilities.	Minimum of 1 toilet for each sex in shared facilities.
	Urinals in ratio of 1 to each 25 men.	Provides for substituting 24" urinals for toilets on one for one basis up to 1/3 of number of toilets required.
	Not covered.	Provides for adequate supply of toilet tissue with holders.
	Not covered.	Toilets and privies must be well lighted and ventilated.
14 Wash Rooms, Showers and Laundry Tubs	Lavatories in ratio of 1 to 20. Shower heads in ratio of 1 to 20. Laundry trays in ratio of 1 to 25.	Lavatories in ratio of 1 to 15. Shower heads in ratio of 1 to 15. Same ratio or mechanical washers in ratio of 1 to 50 with minimum of 1 laundry tray for each 100 workers.
	Not covered.	Shower heads spaced 3 feet apart with minimum of 9 sq. ft. of floor space per unit.
	Not covered.	Bathing and washing facilities must be within 200 feet of each living unit.
15 Food Service Facilities	In camps where workers do their own cooking--1 sink for each 10 persons or 1 sink for each 2 families.	Adequate sinks must be supplied.
	Refrigeration below 50 degrees Fahrenheit.	Refrigeration 45 degrees or below.
	Not covered.	In camps where workers do their own cooking, adequate tables, chairs, food storage shelves and counters for food preparation shall be provided.
	Not covered.	Cook stove or two burner hot plates in ratio of 1 to 10 persons for those doing their own cooking.

ITEM	FLORIDA HOUSING CODE	U. S. DEPARTMENT OF LABOR HOUSING REGULATIONS
15 (Continued)	Central mess facilities covered in detail.	Central mess facilities shall be provided in accordance with applicable state codes.
16 Beds and Bedding	Clean mattress covers shall be provided.	Not covered.
	12" of clear space between mattress and floor.	Not covered.
	36" between top mattress and ceiling.	Not covered.
	30" laterally or end to end between single beds, bunks, or cots.	Not covered.
	36" laterally or end to end between double-decker beds, bunks or cots.	Not covered.
	Minimum of 4' clear aisle space in all barracks and dormitories.	Not covered.
	All sheets, pillowcases, blankets or other bed covering provided by the camp operator shall be maintained in sanitary condition by camp occupants.	Not covered.
17 Fire Protection	All buildings in which people sleep or eat shall conform to the requirements established by the laws of this state and regulations or standards issued by the state fire marshall.	Two means of escape from all sleeping, dining and common assembly buildings.
		In two-story buildings, a second stairway or exterior ladder shall be provided.
		Fire extinguisher equipment not more than 100' from each building equal to: 2-1/2 gallon stored pressure or one 5 gallon pump type water extinguisher.
		No flammable or volatile liquids or materials; agricultural pesticides, or toxic chemicals to be stored in or near buildings.
18 First Aid	Adequate medical and nursing care at or available to all camps.	One 16 unit kit recommended by Red Cross for each 50 persons.
	Reporting of communicable diseases to local health department is required.	Not covered.

	ITEM	FLORIDA HOUSING CODE	U. S. DEPARTMENT OF LABOR HOUSING REGULATIONS
19	Camp Supervision	Covered in detail.	Not covered.
20	Responsibility of Camp Operation	Covered in detail.	Not covered.
21	Responsibility of Occupants	Covered in detail.	Not covered.

In addition to the differences outlined in these pages both the Florida State Housing Code and the U. S. Department of Labor Housing Regulations contain many identical or near identical provisions.

Department of Labor Regulations provide that the higher of the two standards apply to housing of employers recruiting interstate workers through employment service facilities.

Other major areas of concern have been the constant garbage problem, and achieving better cooperation between owner, maintenance, and tenants. Despite the efforts of the county boards, it must be realized that little can be done in areas requiring the cooperation and expenditure of moneys by other city and county departments. As this county's report concludes, "our objective of garbage and trash control in migrant home base areas, due to its magnitude and time consuming aspect, seems out of reach at this time." Closer cooperation with other city, county, and state agencies may help.[26]

Collier County: Subsequent to the time this county's annual report was filed, a meeting of the County Commissioners noted the most pressing problems facing the health department in Collier County.[27] It was pointed out that "only one farmer in 50 ever applies for permit, and many won't even seek the zoningwhich would allow them legally to have camps. The county for many years has fought the continuing battle to regulate labor camps and remove those not meeting state laws. The problem has been the camp owners who open up without attention to county rules. These may get through most of the season without being caught in the county's more than a million acres of land."

One of the specific objectives of the Collier County Board is to have every camp in the county permitted.[28] This resulted in 1967-68 in bringing approximately 80% into the permitted class. Nonetheless, it is true that in this county, as in others, the migrants are trying to get into private homes rather than stay in the camps. Housing ranges from excellent to very poor. This county's health department is continually urging the owners to repair or rebuild. They have served legal notices and have taken court action in many instances. One request that this department has made is for continuous legal advice on a retainer basis in order to aid enforcement.

The Collier County Migrant Health Project has likewise taken a healty turn through its general program of advancing sanitary education with the migrants, the growers, and the farm labor representatives in the area. As their re-

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26. Ibid at 46.
27. As reported in the Miami Herald, Oct. 9, 1968.
28. Reference should be made to Collier County Migrant Health Project, Sanitation in the Fla. Fifth Annual Report at pp. 61-65.

port stated:

> "We feel the improvements in the housing are basically due to a demand for better labor and is an endeavor to attract this better grade of labor, the competition for labor which is apparently in short supply, the increased length of stay of the migrant, the program with the farm labor representatives, *the availability of legal assistance to the migrants*, assistance from County Commissioners, and the judicial branch; increased publicity and meetings sponsored by Governor Kirk.[29]

The report further emphasizes that while some improvements are noted as far as outside premises go, much more needs to be done. Garbage remains a problem, as does maintenance of community bath houses. Arrangements are *supposed to be made* to dispose of garbage by all camp operators. Many problems are known to exist in the workers' field environment, even though inspection and enforcement are severly limited by lack of staff personnel. A public water supply is under construction in Immokalee which will replace individual wells and assure potable water for a majority of the migrant housing. While new construction was at a low ebb during the past year because mortgage money was not available, the most modern camp was financed by FHA, as is the Immokalee Water System.

Another constructive suggestion made by the Collier County Migrant Health Department is that registration of all crew leaders must be affected. They in turn feel that such leaders, augmented by growers and members of regulatory agencies, should form an organization to solve the problems in fields and camps. MLS plans to cooperate as fully as possible in an attempt to achieve these noble objectives.

Dade County: It was noted in this county's annual report that the total number of permitted labor camps continued to decrease.[30] In explaining this, health department officials stated:

> "There are several factors involved. A major one is the health department's continued pressure on operators to up-

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[29] Ibid. at 63. [Emphasis supplied.]

[30] The Dade County Migrant Health Project, Sanitation in Florida Fifth Annual Report at pp. 75-76.

> grade their facilities. This results in many of the workers being overcrowded in private housing."

Dade County, being more urban than the five other counties served by MLS, naturally has fewer labor camps than would be expected from its size. This, in turn, makes continual inspections by the County Health Department and the Public Health Service Regional Migrant Health representatives produce greater results.

A project to modernize two of the largest camps, the " Redlands" and "South Dade Labor Camp," both located in Homestead, has been approved by the County Commissioners. The Health Department is also considering possible legal action against some of the growers who "have not wholeheartedly initiated the use of chemical toilets for use by the crews in the field."[31]

The problems faced by this county in its efforts to upgrade and modernize camp facilities emphasize once again the necessity for close cooperation between all branches of the Government, as well as private organizations, in order to better meet the needs of the workers.

Hendry County: The housing accomodations for migrants and their families vary greatly from new concrete block structures with modern and adequate plumbing facilities to small frame units served by privies. Improvements are expected to be forthcoming due both to new county zoning regulations and the recent addition of a full-time project sanitarian to the staff of the Migrant Health Program in Hendry County.[32]

The options open to the families of seasonal agricultural workers regarding housing in the LaBelle area were described in the following excerpt from the Hendry County report:

> "The LaBelle area has had an increase in the concentration of White, Mexican, and Negro migrants. Some rent whatever housing is available, others have purchased low-cost land and live in trailers while some have bought permanent homes. Six Negro families are building homes with Self-help Housing. However, poor housing is still prevalent...."[33]

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31. Ibid. at 75.
32. See Hendry & Glades County Migrant Health Project -- Annual Progress Report, Sanitation contained in Fifth Annual Report of Florida Migrant Health Project, pp.83-89.
33. Ibid. at 82.

The Hendry County Project Director, Dr. J.D. Workman, has demonstrated a keen insight into the realities of the housing situation, by stating:

> "Obtaining corrections of structural violations is most difficult. Failure to comply initially is seldom intentional. In some cases it results from misunderstanding on the part of the grower. In some cases the grower is operating on leased land and hesitates to spend large sums of money to improve the property over which he may soon lose control.... Recreation facilities in most camps are non-existent except for those provided by migrants. General cleanliness varies much from camp to camp and depends greatly upon the interest and participation of the grower."[34]

Once again, the importance of cooperation between the growers, camp operators, health inspectors and migrants is highlighted. MLS' position is that only by emphasizing the benefits to be derived by all parties, resulting from the rigid enforcement of state and federal regulations will better housing for the migrant worker be realized.

Lee County: Although only 5% of the migrant workers and their families live in labor camps in Lee County, the migrant Health Project has undertaken an ambitious program not only to keep a close check on the camps to see that they are being improved physicially, but also to insure that they are kept up during occupancy.[35] In the larger counties, this latter task is virtually impossible to perform.

Again, the Lee County Report points out that only through concerted efforts of the community and all organizations favoring improvements in camps and migrant housing, will better housing be obtained.

Housing accomodations in the labor camps consist of concrete block construction in one camp, house trailers are used by two camps and the others are of frame construction. As the report concludes, "The housing is generally poor to fair, but is becoming fair to good."

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34. Ibid. at 84.
35. See Lee County Migrant Health Project, Sanitation, Fifth Annual Report of the Florida State Board of Health,pp.109-111.

Palm Beach County: The impact of the special migrant Health Project in Florida, now beginning its sixth year, is dramatically illustrated by the following tabulations from Palm Beach County. One hundred four (104) labor camps, or *79%* now meet the State Sanitation and Housing Standards, as compared to *74%* during 1966-67 and only *32%* four years ago.[36]

Among the other accomplishments of the Sanitation Division of the Migrant Health Project in this county were an inspection program set up to improve living conditions in 415 rooming houses where over 8,000 migrant workers and their families live; attempting to have growers, farm managers and crew leaders provide sanitary facilities in field locations; encouraging growers and camp operators to improve the environment in camps by providing recreation facilities and making the premises more attractive, and the institution of legal actions against camps not meeting the minimum standards.

Again, this county points out that increasing numbers of migrant families are seeking housing in urban areas in preference to labor camps. The report describes the housing accomodations for migrants as follows:[37]

> "Nearly all of the labor camps built for migrants in the last ten years are of block construction which now represents 50 per cent of the total camp housing. Forty-two per cent of the remaining housing is of frame construction, seven per cent is metal, and one per cent of the camp occupants live in house trailers."

* * * * * * * *

There are thus several levels upon which to discuss the housing problems of the seasonal agricultural worker in southern Florida -- from types of construction most desirable in labor camps and public housing to obtaining the most appropriate means of federal assistance for rehabilitating existing units or bringing in new housing. The one pervading aspect that makes any attempt at better housing feasible is organization and cooperation.

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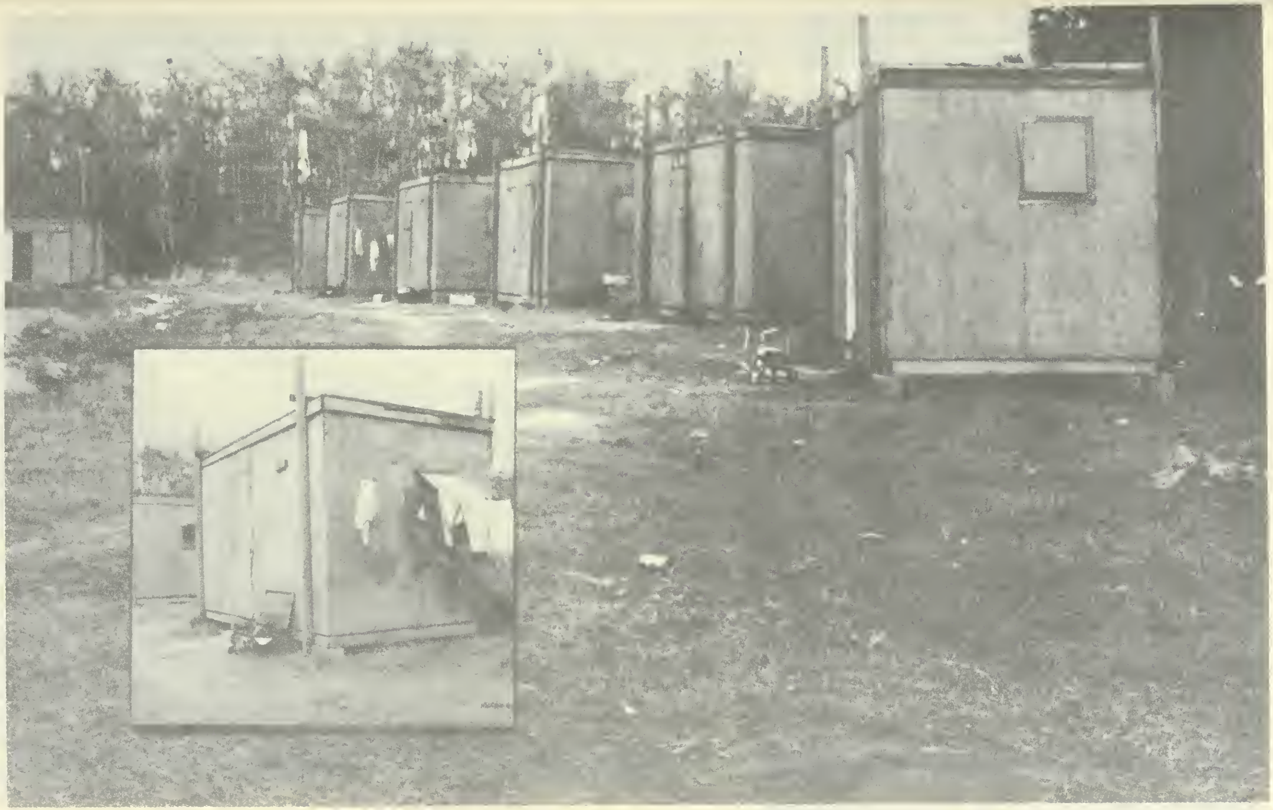
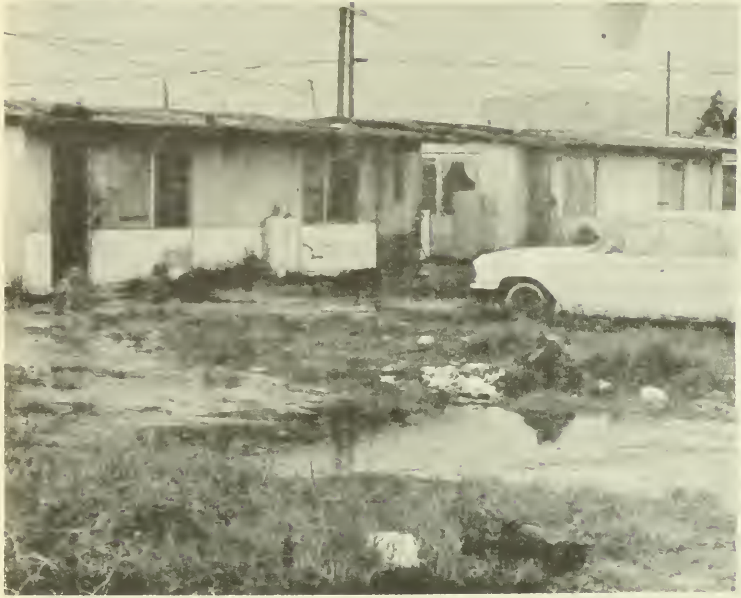
36. See Palm Beach County Migrant Health Project, Fifth Annual Report of the Florida State Board of Health, p.171-181.
37. Ibid. at 173.

Organization must begin with the migrant workers and crew leaders, who then must cooperate with the growers, county health departments and Farm Labor Placement Service to make these groups aware of valid complaints. With the assistance of MLS, the workers can draw up a plan of action which can then only be realized with monetary assistance from the federal government. Only then will solutions to the immense housing problems facing the migrant workers be imminent.

While parents work, children sit unsupervised in the field or wander about amid the refuse of their unpoverished environment as in these photos.

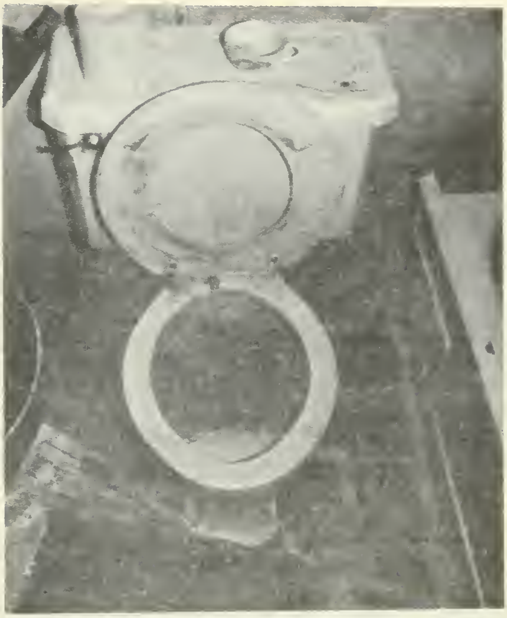


Although they Look like Outhouses,
these Shacks are Home to Migrant
Workers and Their Families.

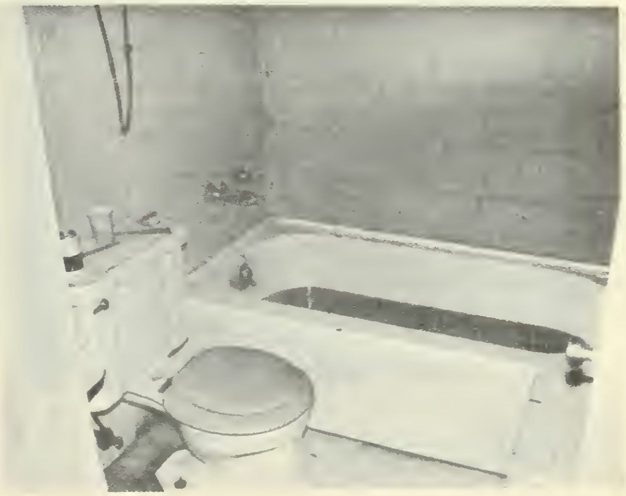


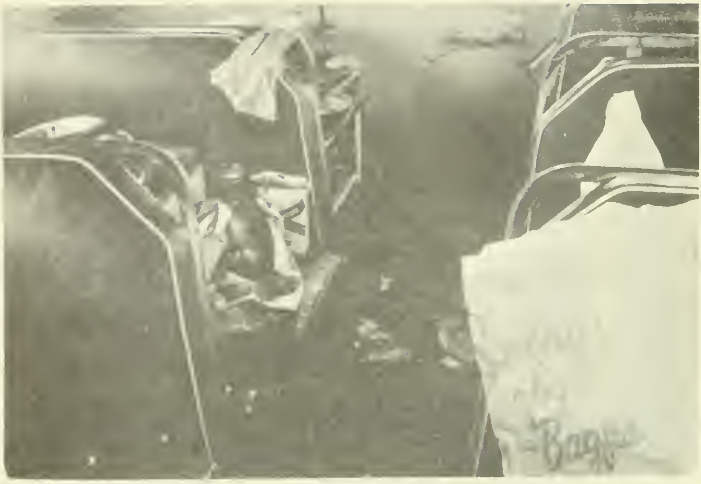
Trying to keep a house clean is futile when the front yard is a lake.

This excreta covered privy is the product of overuse and inadequate maintenance.

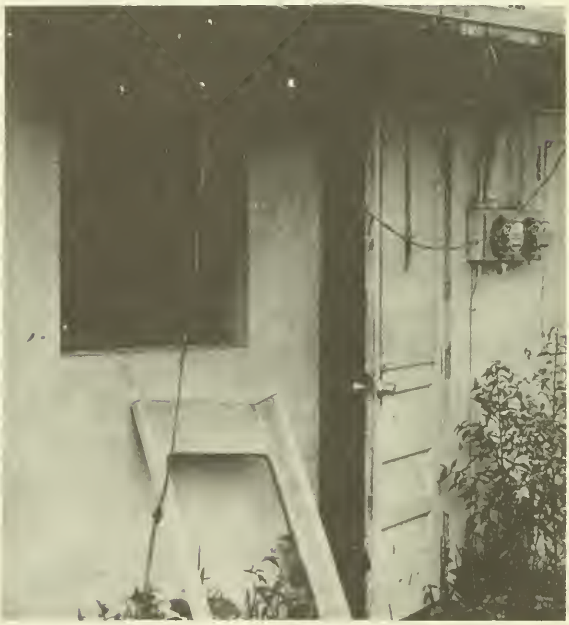


Many workers live in shacks without indoor plumbing like those shown on the preceding page. For others the problem is substandard facilities. The toilet above and the bathtub below are filled with waste water because an improperly constructed septic tank backed up.





The housing shortage is often so acute that some people are forced to live in tents or buses as shown above.



Dangerous wiring, failure to make basic repairs are daily fasts of life for farm workers.

HEALTH

INCLUDING HUNGER, MALNUTRITION, FOOD PROGRAMS, ACCIDENTS, AND MIGRANT HEALTH CARE & FACILITIES

Despite a recent Congressional report concluding that there is no hunger in America[1] and contrary to a hastily prepared Florida State Board of Health report finding no evidence of severe malnutrition or serious disease incidence among the migrant population of Collier County[2], the facts are abundantly clear that the migrant population served by MLS suffers from abuse and/or neglect in the area of adequate and nutritious food, consequent disease and health problems, and lack of or inadequate health care and facilities.

Since many health problems have their beginnings in poor or inadequate diets, a logical starting point in this inquiry is an examination of the extent of the problem in the target South Florida setting together with the existing facilities and programs available to help in solving these problems.

The Citizens Board of Inquiry into Hunger and Malnutrition in the United States visited the Lee and Collier County areas in December 1967 and reported in *Hunger U.S.A.*[3]:

> "constant, chronic, unremitting hunger (p.18)";
>
> "high incidence of anemia, growth retardation, protein deficiencies and other signs of malnutrition (p.18)"
>
> > noting that "protein deficiency in early childhood may cause brain damage (p.21)";
>
> "high incidence of parasitic diseases associated with malnutrition (p.23)";
>
> "the cost of this chronic hunger and under-nutrition takes many forms: educational, psychological and social (p.31)";
>
> "the ultimate costs are to be found in patterns of social unrest, distrust, alienation, withdrawal and frustration (p.31)."

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[1] House Agriculture Committee (Rep. W.R. Poage-Texas) - opinion replies from county health officers in 181 U.S. counties.

[2] Florida State Board of Health, Trip Report, "Evaluation of Health Situation in Immokalee, with particular reference to the children of migrants," February 1, 1968. (24 pps.)

[3] *Hunger U.S.A.* A report by the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States. (New Community Press, Washington, D.C., 1968).

A study by Graciela Delgado and public health service officials in 1961 reported the occurrence of Kwashiorkor and Marasmus (the most severe protein deficiency diseases) among infants of Negro migrant agricultural workers in Palm Beach County, Florida.[4]

This report further found that among Negro agricultural workers in Palm Beach County:

> "34% ate no citrus fruits and 82% ate less than one-half the minimum daily requirement;"
>
> "97% of the families fell below half the recommended allowances for milk and milk products;"
>
> "84% of persons examined had dental caries and 35% had lost permanent teeth;"
>
> "63% of families ate no green or yellow vegetables and the rest ate less than half the minimum allowances suggested by U.S.D.A."[5]

Members of the Board of Inquiry have attested to seeing cases of scurvy, rickets, nutritional edema and marasmus on their trips to migrant camps in Florida.[6]

In the wake of these findings, as well as from personal observation and information gathered from clients, MLS attorneys have made repeated demands of Federal, state and local authorities to focus programs and funds toward meeting the dire needs of the migrants in this area.

FOOD STAMP PROGRAM

It is noteworthy that Florida is one of seven states that has no Food Stamp program in operation. Although the 1965 Florida legislature authorized a Food Stamp program in accordance with the Food Stamp Act of 1964,[7] no appropriations have been

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4. "Eating Patterns Among Migrant Families," U.S. Dept. of H.E.W., Public Health Reports, vol. 76, no. 4, April 1961.
5. *Ibid.*
6. *Hunger U.S.A.* op. cit. p. 25.
7. P. L. 88 - 524 (Aug. 31, 1964).

made to effectuate this legislation in Florida. Thus, the State Welfare Department has designated any such program as "county option" with the counties to "bear the full cost of the non-federal share which will include an additional staff at the State or local level, etc."[8] It is hoped that the State Welfare Department will submit a request for adequate funding of food stamp programs to the next meeting of the Florida legislature.

SURPLUS COMMODITY FOOD DISTRIBUTION

Florida does, however, participate in distribution of commodity foods received from the U.S. Department of Agriculture - again, on a "county-option" basis.[9] Since the initiation of this program, 51 (out of 67) counties in Florida have cooperated on a voluntary basis.[10] Notably absent from this list are Collier and Hendry counties, both having large migrant worker populations served by the MLS program.

Early in 1968, Secretary of Agriculture Orville Freeman announced that food distribution programs would be operated by the federal government in 1,000 of the lowest per capita income counties in the U.S., if those counties did not cooperate on a voluntary basis. Initially, 15 Florida counties were included in this listing, and subsequently three additional counties were named. Unfortunately, even this expansion effort did not reach Hendry or Collier counties, because of the great imbalance between high and low income residents which boosts the average per capita income out of the depressed rating.

MLS attorneys have brought considerable pressure to bear on the Collier County Commissioners to initiate a food commodity distribution program in that county, but to date no such program has been realized. Now that Secretary Freeman, as well as influential U.S. Senators, have been informed by MLS of the serious need for such a program in Collier County, the arguments previously offered in opposition may dissolve and a necessary first step toward meeting the basic needs of the migrant and poor population of Collier County may hopefully become a reality.[11]

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8. Report, Surplus Commodity Distribution and Food Stamp Information, to Florida State Welfare Director, Aug. 1, 1968, p.5.
9. The main drawback to a "county-option" system is that those counties which traditionally have been least responsive to the needs of the poor and hungry are given veto power to prevent the program from reaching its intended beneficiaries.
10. U.S.D.A. Consumer Food Programs, Southeast District. See attached chart.
11. See attached newspaper clippings.

The Center on Social Welfare Policy and Law (Columbia University) has recently filed lawsuits in 26 states challenging the constitutionality of counties opting against participation in U.S. food programs. The suit filed in Florida, aimed at those counties which have no commodity distribution programs, including Collier and Hendry, seeks to enjoin USDA from further participation so long as discrimination exists in these counties. In addition, MLS has filed suit, in conjunction with Edgar Cahn, Esq. in Washington, D. C., directly against the Secretary of Agriculture in an attempt to force Hendry County to distribute commodity foods.[12]

No one presumes that a commodity distribution or food stamp program can even begin to solve the myriad of food and health problems confronting the rural poor[13], but to date these programs remain the only means through public funding whereby a man with little or no income can keep his family from starving to death when no work is available.

Dietary deficiencies represent only a partial factor contributing to the total health problems of the agricultural worker -- albeit the cause for major concern, especially when considering the consequences of mal- and under-nutrition. The damage that poor and inadequate food can have on infants and children was graphically demonstrated when 23 migrant children were selected at random from the Collier County area for tests conducted at the Variety Children's Hospital in Miami.

The results of the examinations performed are indeed appalling and revealing.[14] They are appalling in that the report concluded:

> "This represents a high incidence of respiratory infections (including pneumonia) and also of dietary deficiency (iron deficiency anemia). It

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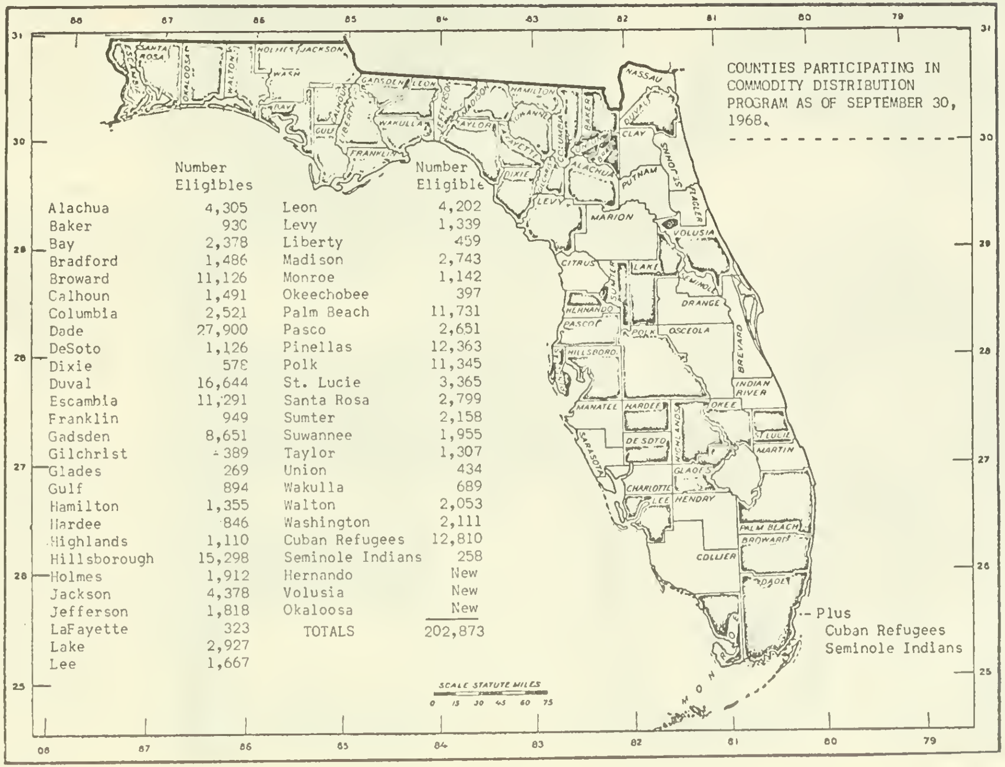
12. [illegible] *v. Freeman*, Civ. No. 2740-68 D.C. D.C.
13. There are, in fact, many problems involved in the commodity distribution program in those counties where it is in effect. For example, the program does not supply enough food to last an entire month. Only "surplus foods" are available, and the commercial market determines the surplus with no guidelines for providing a well-balanced diet. The distribution depots are poorly located, often near the county airport, far removed from the homes of recipients, making a 23-lb. box of foods a difficult transportation problem.
14. In twenty-three children and infants examined at Variety Children's Hospital, the following conditions were found:
 1 Case with probable tuberculosis (by x-ray)
 11 Cases with iron deficiency anemia
 3 Cases of diarrhea

U. S. Department of Agriculture
Consumer Food Programs
Southeast District

FLORIDA


SANTA ROSA
ESCAMBIA
OKALOOSA
WALTON
HOLMES
JACKSON
WASH
BAY
CALHOUN
GULF
LIBERTY
GADSDEN
LEON
WAKULLA
FRANKLIN
JEFFERSON
MADISON
TAYLOR
HAMILTON
SUWANNEE
LAFAYETTE
DIXIE
COLUMBIA
BAKER
GILCHRIST
ALACHUA
LEVY
NASSAU
DUVAL
CLAY
PUTNAM
ST. JOHNS
FLAGLER
MARION
VOLUSIA
CITRUS
LAKE
SEMINOLE
ORANGE
SUMTER
HERNANDO
PASCO
POLK
OSCEOLA
BREVARD
HILLSBORO.
INDIAN RIVER
MANATEE
HARDEE
OKEE
ST. LUCIE
DE SOTO
HIGHLANDS
MARTIN
SARASOTA
GLADES
CHARLOTTE
LEE
HENDRY
PALM BEACH
BROWARD
COLLIER
DADE
MONROE
SCALE STATUTE MILES
0 15 30 45 60 75
88 87 86 85 84 83 82 81 80 79
31 30 29 28 27 26 25

COUNTIES PARTICIPATING IN COMMODITY DISTRIBUTION PROGRAM AS OF SEPTEMBER 30, 1968.

	Number Eligibles		Number Eligible
Alachua	4,305	Leon	4,202
Baker	930	Levy	1,339
Bay	2,378	Liberty	459
Bradford	1,486	Madison	2,743
Broward	11,126	Monroe	1,142
Calhoun	1,491	Okeechobee	397
Columbia	2,521	Palm Beach	11,731
Dade	27,900	Pasco	2,651
DeSoto	1,126	Pinellas	12,363
Dixie	578	Polk	11,345
Duval	16,644	St. Lucie	3,365
Escambia	11,291	Santa Rosa	2,799
Franklin	949	Sumter	2,158
Gadsden	8,651	Suwannee	1,955
Gilchrist	389	Taylor	1,307
Glades	269	Union	434
Gulf	894	Wakulla	689
Hamilton	1,355	Walton	2,053
Hardee	846	Washington	2,111
Highlands	1,110	Cuban Refugees	12,810
Hillsborough	15,298	Seminole Indians	258
Holmes	1,912	Hernando	New
Jackson	4,378	Volusia	New
Jefferson	1,818	Okaloosa	New
LaFayette	323	TOTALS	202,873
Lake	2,927		
Lee	1,667		

-- Plus
Cuban Refugees
Seminole Indians

AD-400.8

Hunger in America: Poverty Leaves Migrants Prey to Disease

Following is the second of a series of articles on reports of hunger in the United States.

By HOMER BIGART

Special to The New York Times

IMMOKALEE, Fla.—Ten miles southwest of here, strung out like garbage along the edge of a cypress swamp, is Smith's Camp, a gathering place for some of the migrant farm workers who flock here in winter to pick the vegetable crops.

It consists of a dozen or more windowless plywood shacks, all without toilets or running water, all painted a dull green and all facing a dark slough choked with bottles and trash.

Some distance away there are three smaller shacks, two of them privies, the third a cold-water shower. None shows signs of recent use. Few migrants are hardy enough to take cold showers out of doors in the dead of winter, even in Florida, and the latrines are unspeakably filthy, seats and floors smeared with dried defecation. So the people use the woods.

A spigot planted in the ground provides water for the shacks. But the 20 or 30 migrants who live here say the water is foul smelling and foul tasting. The only apparent amenity is the naked electric light bulb hanging from the ceiling of each shack.

Such a place is Smith's Camp, its condition of poverty far removed from the showy affluence of nearby Gulf Coast re-

Continued on Page 24, Column 1

The New York Times (by Edward Hausner)

Mrs. Angela Spencer with her sons Larry, five months, and Leslie, two. Mrs. Spencer lives in a trailer in one of the migrant worker camps near Immokalee, Fla. She earns about $25 a week in the fields. Rent for the trailer is $15 a week.

FORT MYERS NEWS-PRESS
Southwest Florida News
SEC. B THURSDAY, JULY 4, 1968 PAGE 1

Surplus Food Program Sought in Collier County

(Special to the News-Press)

NAPLES — An attorney for the South Florida Migrant Legal Services has written Secretary of Agriculture Orville L. Freeman asking the U.S. Department of Agriculture to set up a commodity foods distribution program in Collier County.

Attorney T. Michael Foster of the Fort Myers-based legal aid group asks action "before another season of hardship begins for the migrant workers who pick the vegetables that grace the bountiful tables of this nation."

Foster addressed the three-page letter to a number of authorities besides Freeman. E. Lee McCubbin, director of the Commodity Division of the Florida State Department of Welfare, the USDA's agency in Florida, was one. Walter Reuther, chairman of the Citizens' Crusade Against Poverty in Washington, D.C., U.S. Sen. Harrison A. Williams Jr. of New Jersey, and Sen. Edward M. Kennedy of Massachusetts are on the list.

So are the Collier County Commission members.

"The Collier County Commission has failed to act upon repeated requests for (a commodity food distribution program," Foster said to Freeman. "I urge your department to take the initiative in this matter and make commodity foods available to needy persons in Collier County."

Foster cites the insecurity of farm work and includes newspaper articles from a number of newspapers during the past year on malnutrition problems occurring in the Immokalee area.

"The Florida State Board of Health," he writes, "while it denies that malnutrition exists in the Immokalee area, has acknowledged a need for a commodity foods distribution program in Collier County."

The USDA has been acting to institute commodity distribution programs in counties of high unemployment and low per capita income. Collier County has not been included in the lists. But where the USDA has acted, it comes in without local assistance if the local government refuses to assist. The county then is faced with a situation of pay its share or lose all federal funds eligibility, yet has no say in the program operations.

Exerpts from Foster's letter include:

"Farm work is never a full time job. At most it is seasonal, and even during the peak of the season changes in the weather can adversly affect working conditions.

"Farm workers seldom have the security of knowing where their next dollar will come from. Many agricultural workers and their families live in circumstances that are appalling.

"Estimates of the number of farm workers and their dependents in Collier County at the height of the season vary from 12,000 to 19,000. Many of these families live there seven or eight months of each year. The Collier County Welfare Department has a total budget of over $121,000, of which only $4,000 is allocated to the job of feeding indigent people. No other public agency assists in the task of feeding the county's poor."

Citizens of Immokalee have formed the Immokalee Migrant Committee to help but the voluntary contributions amount to a budget "hopelessly inadequate for the task," Foster said.

Even during good times there are families who have no income because the breadwinner is ill, injured or incapacitated, Foster wrote.

"On March 19,1968, a county welfare official with experience among the migrant population told the commissioners that about 250 families in the Immokalee area were suffering from severe hunger because of adverse farm conditions and a lack of government assistance," he wrote. "These reports are not isolated instances."

St. Petersburg Times, Thursday, July 4, 1968 LOCAL 5-B

Food Sought For Hungry In Collier

By SAMUEL ADAMS
Of The Times Staff

The U.S. Department of Agriculture has been asked to make commodity foods available to needy persons in Collier County despite refusal of county officials to apply for the federal food program.

The request was made in a letter made public yesterday from the South Florida Migrant Legal Services Program Inc. It said only $4,000 now is allotted by Collier County to provide food for hungry people. No other public agency assists in feeding the county's poor.

THE LETTER, dated July 1, was sent to Agriculture Secretary Orville L. Freeman by T. Michael Foster, an attorney with Migrant Legal Services, a federal anti-poverty program.

At the height of the harvesting season, farm workers and their dependents in Collier number from 12,000 to 19,000. A large number go hungry but no food stamps or federal food commodities ever have been available there.

Collier was not among the 15 Florida counties in which the Agriculture Department threatened to ignore opposition of local officials and made direct distribution of food. Neither was it one of those listed in April as "hunger counties" by a private report issued by the Citizens Board of Inquiry into Hunger and Malnutrition.

WITH HIS LETTER to Secretary Freeman, Foster sent published reports, including St. Petersburg Times articles on hunger around Camp Happy, and documentation on poverty, malnutrition and diet-related health problems.

"On March 19, 1968, a county welfare official with experience among the migrant population told the commissioners that about 250 families in the Immokalee area were suffering from severe hunger because of adverse farm conditions and a lack of government assistance," the letter says.

"These reports are not isolated instances. Even during good times there are a number of families who have no income because their breadwinner is ill, injured, or incapacitated. These workers and their families often cannot receive assistance from the State Welfare Department, or through unemployment compensation or workmen's compensation laws because of their inability to meet residency requirements, or the failure of the law in question to include farm workers within its coverage," it continued.

"**IN VIEW** of the Collier County commissioners' refusal to take the initiative in this matter, I believe it is incumbent upon your department to see that the situation is corrected before another season of hardship begins for migrant workers . . ."

The Migrant Legal Services is the second anti-poverty agency in South Florida to ask the U.S. Agriculture Department to see that free commodities are provided in Collier County. Community Action Fund suggested four months ago that it be allowed to distribute the free food if the county continued to balk at the program.

> is noteworthy also that 23 children suffered 38 clinical diseases which represents a very high morbidity for such a group."

They are revealing in that unfortunately the results are typical of the serious conditions facing the families of farm laborers.

As attested to by MLS attorneys, who served as intermediaries for testing and treatment of the children at Variety Children's Hospital, similar physical manifestations are apparent even to the untrained layman when walking into any labor camp or housing project. The causes stem, not only from the inadequate food supply, but from deplorable housing where unsanitary conditions, non-potable water, over crowded dwelling space and faulty, unrepaired construction allow free space only to pests and vermin.

The needs are so acute and so plainly visible that corrective and preventive measures must be immediate as well as remedial. As pointed out in the 1967 Migrant Health Program Report.[15]:

> "Even a casual observer in migrant camps could see workers too sick or disabled to do a full day's work, and children who risked lifelong handicaps because preventive and remedial care was not readily available. Health services were needed -- not studies."

MIGRANT HEALTH PROGRAMS

In an attempt to meet the dire health needs of migrant families, Congress enacted the Migrant Health Act

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14 Cases of upper respiratory infection
3 Cases of impetigo
2 Cases of pneumonia
1 Case of otitis
1 Case of ascariasis
1 Case of hydrocephaly
1 Case of sickle cell trait

[15] "Migrant Health Program, current Operations and Additional Needs," prepared for the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, 90th Cong. 1st Sess. 1967, p.v.

in 1962.[16]

Hearings were held on legislation to renew the original authorization last winter, five years after the initial Act was passed. Some inroads have been made and some people have benefitted from these early attempts to meet such vast problems, but as was highlighted during committee reports in Washington:

> "Service coverage remains weak in many of the areas where projects are now receiving grant assistance. Three-fifths of the counties identified as migrant homebase or work areas are still untouched."[17]

Seventeen out of Florida's 67 counties participate in the migrant health program operated by the Florida State Board of Health.[18] In addition, Palm Beach and Dade Counties operate individually funded projects for migrants and their families. Each of the six south Florida counties served by MLS will be briefly examined as regards the availability and adequacy of the health projects serving the migrant population in those counties.[19]

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16. P. L. 87-692, Sept. 25, 1962, which appropriates funds to enable the Surgeon General: "(1) to make grants to public and other nonprofit agencies, institutions, and organizations for paying part of the cost of (i) establishing and operating family health service clinics for domestic agricultural migratory workers and their families, including training persons to provide services in the establishing and operating of such clinics, and (ii) special projects to improve health services for and the health conditions of domestic agricultural migratory workers and their families...., and (2) to encourage and cooperate in programs for the purpose of improving health services for or otherwise improving the health conditions of domestic agricultural migratory workers and their families."
17. "Migrant Health Program," Supra note 13.
18. These are the counties having high concentration of farm migrants. Hearings before the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, U.S. Senate, 90th Cong., 1st Sess. (Dec. 7, 1967).
19. For a complete report, see "Florida Migrant Health Project, Fifth Annual Progress Report 1967-68," Fla. State Board of Health in cooperation with the U.S. Public Health Service.

BROWARD COUNTY:

The annual progress report of the Migrant Health Project for Broward County[20] highlights the difficulties encountered by a program of limited scope and funding in attempting to solve the unlimited health needs of the migrant poor. Broward County operates a migrant clinic located in the Pompano Farm Labor Camp two nights and one day per week. In addition to these services, referrals are made to specialty clinics at Broward General Hospital, but no funds have been made available for in-patient care for migrant farm workers. This results in a great reluctance on the part of the hospitals to admit service patients unless their condition is extremely serious.[21] With an emphasis on health education, the migrant health staff makes home visits, as well as visits to the farms and day care centers housing migrant children. The county concludes that if the scope of services is ever to broaden, an increase in professional and auxiliary help is essential.[22] Among their plans for the future are visits to other project areas, familiarizing growers with the health services and attempting to enlist their aid, and attempting to engage crew leaders in furnishing transportation and information regarding health problems among the crews.

It is obvious that with a staff consisting of three nurses at the clinic, and only part-time help from three doctors and two dentists, the health needs of the migrant population of Broward County cannot be met. It is questionable whether the migrants are even aware of the medical services available in view of the transportation problems, the language barrier, and complex nature of the educational materials distributed.

COLLIER COUNTY:

The Collier County Health Department operates three clinics for migrant workers and their families. The clinics are located in Naples, Immokalee and Everglades. It should be kept in mind that Collier County covers an area of 2,032 square miles with a migrant population of 19,000.

The largest concentration of migrants in the county reside in and around the Immokalee area, yet the clinic is open only one evening per week. No doctor is available for

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20. Included in Florida Migrant Health Project, Fifth Annual Progress Report, pp. 2-40.
21. Ibid. at 32.
22. Ibid. at 34.

regular office hours[23] and patients are referred to doctors through the County Medical Association. There has been no formal health education program in the project, and like Broward County, there is no provision for payment to the attending physician for in-patient hospital care.[24]

The services provided to migrants in Collier County include the control of communicable disease, venereal disease, and tuberculosis, as well as maternal and child health services, school health, mental health, and acute and chronic diseases.[25] Transportation problems and language barriers still remain unresolved, and Collier County feels it will only be able to overcome these weaknesses by additional personnel, facilities, and funds.[26]

MLS attorneys have met several times with the migrant health personnel of Collier County in an effort to cooperate in attaining the goals of the Migrant Health Project. Specifically, MLS feels that funds should be sought for a mobile clinic that could bring health services to more of the migrants by traveling from camp to camp. At the present time a very small percentage of the migrant population is being reached by the Migrant Health Project.

DADE COUNTY:

Family Health Service field clinics are operated in four locations in Dade County. Two of these are in large migrant camps and the other two are in areas near large concentrations of migrant housing. The South Dade Farm Labor Camp Clinic is open two nights each week because of heavy attendance; the other locations have one night clinic weekly. In addition, a migrant dental clinic is held two nights each week. The migrant population of Dade County also benefits from various other service projects that supplement the health services that can be provided by the Migrant Health Project.[27]

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[23] There is only one practicing physician in Immokalee with limited laboratory facilities. Ibid. at 59.

[24] Ibid. at 48, 49.

[25] Ibid. at 55.

[26] Ibid. at 51.

[27] Ibid. at 72. Projects specifically mentioned were the Head Start Program, the Maternity and Infant Care Project, the Women's Auxiliary of the Dade County Medical Association, the American Red Cross, and the nutritionist staff of the Dade County Health Department.

MLS was cited as *a valuable resource to us this year* in the Dade County annual report.[28]

> "They[MLS] have been of assistance in helping patients get emergency welfare funds, in answering migrant legal questions, and were most valuable in the case of a hydrocephalic infant who needed to be institutionalized. Without their help, this spanish-speaking family might have found great difficulty in managing the mechanics of a court committment proceeding."

HENDRY COUNTY:

Glades, Hendry and Highlands operate as a tri-county Migrant Health Project, with six clinic installations in this area.[29] The health department staff consists of two physicians, four nurses, five clerks, and three sanitarians.[30] Major emphasis has been placed on family planning and tuberculosis case finding, since the tuberculosis rate per capita is far above the national average.[31] Despite the enthusiastic records of this health department, the impact of their health services is necessarily limited by inadequate project funding and no provision of funds to pay contract physicians for hospital care of referred patients.[32]

LEE COUNTY:

Suffering as do the other counties from inadequate staff and funding, the Lee County Health Department has made a valiant effort toward health education of the migrants. They seem to have been most successful in enlisting the services of volunteer agencies and workers. While this does not solve the desperate need for more money for hospitalization and some financial reimbursement for doctors serving in-patients, it does relieve the health department staff of some of the more menial project duties. Funds are still needed for low-cost maternity care, corrective and elective surgery, and extended medical and dential services. Much remains to be accomplished in the way of identifying and reaching the migrant population of Lee County.

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[28] Ibid. at 72.
[29] Clewiston, Labelle, Moore Haven, the S & M Labor Camp, 6 L's Labor Camp, and Shawnee Farms Labor Camp.
[30] Fifth Annual Progress Report at p. 78.
[31] Ibid. at 82.
[32] Ibid. at 81.

PALM BEACH COUNTY:

This county operates a separately funded migrant project, offering a variety of services to the seasonal farm worker. In the eastern "rangeline" area, only one rural migrant clinic is operated, located at Boynton Beach. In the western "Glades" area the health department clinics in Belle Glade and Pahokee function daily as part-time migrant medical clinics in conjunction with doctors offices on an appointment basis.[33] No effort has been made to establish a separate medical facility exclusively for migrants in this area.[34] In addition, no provision has been made in the migrant project budget for in-hospital physician payment, and as in other counties, it is difficult to admit patients for anything other than emergency care.

> "Because of the overwhelming number of persons requiring hospital care, and an inadequate budget to meet these needs, discrimination of cases toward the end of 'the season' by setting priority was necessary."[35]

This county summarizes that in order to meet the hospital needs of the migrants, a more adequate budget must be provided and some method devised for post hospital care above and beyond the organizational services that now exists. Funds should also be budgeted to reimburse physicians on a reasonable cost basis. If Florida participated in Title XIX (Medicaid) an additional source of funds would be available to absorb some of these costs.[36]

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33. Ibid. at 150.
34. Ibid. at 152.
35. Ibid. at 156.
36. Florida has failed to appropriate any funds under the Medicaid program (Title XIX of the Social Security Act) which provides for payment of a variety of medical and dental costs of all recipients of public assistance. If the Florida Legislature does not enact the program during the 1969 session, the state will lose federal assistance for medical care which this year amounts to $22 million. Fort Myers News-Press, Dec. 9, 1968, p.1-A.

OTHER MEDICAL SERVICES AND FACILITIES

Because of the necessarily limited scope of the migrant health projects, great reliance must be placed on private doctors through the referral system and private or community-run hospitals and clinics. There exists an acute shortage of doctors and medical facilities in counties except Dade served by MLS, as is true in most rural communities. Many of the doctors and dentists are booked up for months in advance, and some don't even accept new patients. The emergency rooms at clinics and hospitals are left to bear the brunt of persons requiring medical attention.

For migrant workers, and the rural poor in general, the delay, seeming unconcern, and outright discrimination almost negative any eventual treatment they may receive.

Some county health and welfare departments operate on a referral basis, sending migrants in need of medical attention to specified physicians who accept a minimum fee from the department for their services. Other counties operate on a "free-choice" system, leaving it up to the client to choose a doctor, arrange an appointment and follow through with keeping it. Neither system is satisfactory.

From the beginning, a patient is shunted about from agency to office, from the county health department to the State Welfare Department to the county welfare department. Then once an examination or treatment is "prescribed" by a health or welfare worker, the process begins again of going from one doctor to a clinic or to a hospital or to another doctor -- often facing refusal of services by one or all. Even emergency cases are often refused admittance or treatment because they cannot demonstrate an ability to pay or meet the deposit requirements in existence at many hospitals.[37]

Aside from emergency or accident situations, the migrant worker who is a member of a minority race, must face shameful discrimination from the private medical sector. A number of southern rural physicians, dentists and clinics still have segregated waiting rooms[38], and some even have "segregated days" whereby a few hours on one specified day are set aside to see Negro patients. These affronts to the dignity of the patient neither instill a trust in the medical profession nor can such practices be condoned.

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[37] Most expectant mothers are delivered by midwives in their homes rather than by doctors in well-equipped hospitals. They only see the inside of the hospital if complications ensue. See Fifth Annual Progress Report, supra at 103.

It is time for everyone in the community to realize that adequate health care must be made available to migrants and their families -- both to promote the health and well-being of the poor and to protect the self interest of the medical profession and taxpayers.

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[38] MLS is currently prosecuting a suit on behalf of welfare clients and applicants who have encountered many abuses of the system, including segregated waiting rooms. *Johnson v. Dept. of Public Welfare of State of Florida*, Case No. 68-12-Vic. Ft. Myers, U.S. Dist. Ct. (M.D. Fla.). The suit has prompted HEW to conduct an investigation to determine whether federal funds are being used by the Florida State Welfare Department in violation of Title VI of the 1964 Civil Rights Act or in contravention of the Fourteenth Amendment equal protection clause.

THE MIGRANT CONSUMER
INTERESTS AND PROBLEMS

> "The riots in Harlem, Watts, and Philadelphia resulted in part from the exploitation of poor consumers; the arson and looting was directed almost exclusively at those businesses associated with sharp selling practices, excessive prices, exorbitant credit charges or poor quality merchandise and service."[1]

In recent years, considerable attention has been focused on the special problems of the consuming public. An awareness of the conplexities, and often inequities, of the American market place have resulted in the President's appointment of a Special Assistant for Consumer Affairs in the Executive Branch of the government, a Special Inquiry on Consumer Representation in the Federal Government (a subcommittee of the U.S. House of Representatives Committee on Government Operations), and numerous groups of interested and irate consumers throughout the country.

At first, these studies centered almost exclusively on the buying habits of everyday middle class citizens, the purchasing power of the dollar, and pricing policies of large nationwide chain stores and lending institutions. One significant fact kept recurring throughout all of these studies: the poor pay more.[2] The low income consumer is being continually exploited by higher prices, usurious interest rates, and inferior quality merchandise.

The seasonal agricultural worker is subject to the same discriminations common to all low income persons, plus he faces some additional problems, uniquely attributable to his station and pattern of life. The typical migrant worker is at the extremes of all the indicia used to categorize those who are poor and deprived. Most often he is non-white, living in a southern rural area. Any one of the following criteria greatly increases the likelihood of poverty: being non-white, female, rural farm dwellers, the aged, southern, those with no work experience, the part-time employed, large families with numerous minor children, and those with little schooling.[3] When a head of a family has not merely one *but two or more* of these characterictics, the probability of poverty may be overwhelming:[4]

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[1] "Consumer Legislation and the Poor," 76 Yale L.J. 745 (1967).

[2] See generally, Caplovitz, *The Poor Pay More*, (1963) (Paperback ed. 1967).

FAMILY HEAD	PER CENT BELOW $2500 (IN 1960)
Rural Farm, Non-White	78%
Female, Non-White	65%
Aged, Non-White	63%
Aged, Rural Farm	55%
Female, Rural Farm	55%
Aged, Female	37%

With the average yearly earnings of the migratory farm worker falling far below the poverty level[5], it cannot be too emphatically stressed that the major factor contributing to consumer problems is simply not enough money. This factor, however crucial it may be, does not fully account for the complex purchase and debt pattern of the migrant workers. Much more research needs to be done in order to ascertain the make-up of the so-called "culture of poverty."

It would be naive to assume that people with little money can tailor their buying habits to correspond to their income. In an age of attractive advertising and mass media, the reality of a refrigerator and television set in every home, a new car in front of every house, and all the embellishments of the affluent society have become the desired items of the consuming public. It is as easy as signing your name to a contract, through the institution of installment buying and credit, at whatever cost. What matters is the amount of the monthly payment, and even the more sophisticated buyers are not interested in the overall cost including interest, insurance, and other add-ons that have become common practice.

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3. "Poverty in the U.S.A.", Public Affairs Pamphlet No. 398 (March 1968) p. 14.
4. Ibid.
5. Migrants annual earnings for all of 1965 averaged only $1737. "The Migratory Farm Labor Problem in the United States. 1967 Report of the Committee on Labor and Public Welfare, U.S. Senate Subcommittee on Migratory Labor, p.2.

The culture of poverty is best summed up in the following sentence: "since the poor have little prospect of greatly improving their low social standing through occupational mobility, they are apt to turn to consumption as at least one sphere in which they can make some progress toward the American dream of success."[6] The migrant can compensate for his poor wages, bleak future, and inner frustrations by conspicuous consumption.

Conspicuous consumption is not so prevalent among the migrant as it is among his urban brothers. Both because of the really abject nature of the migrant families' poverty and through lack of access to stores in urban areas, the average farm worker does not buy more than their necessities, food and clothing for his family. It has been observed that most farm workers living in labor camp housing have no means of private transportation. At times the crew leader will have a private car, but hardly ever will crew members own such a luxury. For those workers living in private housing, a car is often a necessity both for work purposes (if used only to transport them to the nearest day haul pick up point) and for shopping (since there are seldom any stores to be found in the area of workers' housing).

This lack of access to urban areas where the big stores are to be found is a major obstacle preventing the farm worker from becoming a good bargain shopper. Groceries must be purchased at small rural stores, which traditionally have higher prices than their metropolitan area counterpart. Because of limitations in quantity and turnover of goods, smaller stores charge higher prices if only to break even. Add to this the fact that there is no competition within close proximity, and the stores cater to a captive audience. This is especially true at the large labor camps, where one grocer is often leased space to operate a store. MLS has observed that a dozen eggs cost the farm workers $1 at the public housing camp store, whereas the same article cost 53 cents per dozen at a chain store in a nearby community.

A food price comparison survey conducted on twenty-two basic foodstuffs served to re-enforce the allegation that stores located where migrant workers shop consistently charge higher prices. Likewise, the selection of goods, their quality, and the service are not as good as these families could obtain were they able to shop in a downtown area. The conclusion is self evident:

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[6] Caplovitz, "The Other Side of the Poverty Problem," Challenge Communications Inc. (N.Y. 1967).

> "The poor are being exploited in their most essential human activity -- the consumption of food."[7]

After four days of hearings on supermarket operations in low income areas, the U.S. House of Representatives Subcommittee came to the conclusion that consumer problems of the poor in our society have not received the kind of attention that they deserve.[8] At lease five federal agencies have a responsibility to confront these types of consumer injustices: Federal Trade Commission, The Office of Economic Opportunity, The U.S. Department of Agriculture, The Welfare Administration of the Department of Health, Education and Welfare, and The Bureau of Labor Statistics of the Department of Labor. As the Subcommittee concluded:

> "Equal justice in the market place is hardly less important to the poor than equal justice before the law. Price discrimination is intolerable under any circumstances particularly so because food expenditures account for about a third of the income of the urban poor."[9]

While these hearings focused on the plight of urban ghetto areas, the same tactics of price discrimination have been observed in the MLS setting. This means that the rural farm worker must pay a disproportionate share of his very meager income for food staples.

The same factors that cause higher grocery prices (small stores, rural areas, captive buyers, unsophisticated shoppers) create blatant inequities in the sales of other goods as well. The all-American installment purchase plan adds another cost element to the sales of furniture, automobiles, clothing, and like goods. The installment contract may be a very necessary evil when lack of cash or credit would otherwise prohibit the purchase of necessities, but somehow when used with the unwary, low income shopper, it turns into an underhand means to jack up the price of the goods.

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7. "Consumer Problems of the Poor," Hearings before a Subcommittee of the U.S. House of Representatives, Committee on Government Operations, Nov. 24-25, 1967, p. 113.
8. Ibid. Hon. Benjamin S. Rosenthal (Rep. N.Y.), Chairman.
9. Ibid. at p. 114.

The typical installment contract that has come to the attention of MLS is a pre-printed form prepared by the seller, with the only handwritten items being the amount of the monthly payments, and the number of months they shall be paid. Seldom is the total price given, for this would include the very steep interest rates charged, and other extras such as insurance, carrying charges, and a high daily rate for any time that payments are overdue. The printed form contains waiver of notice, confession of judgment, and gives the seller the right to repossess if any payment is missed, regardless of how many payments have been made up until that time. Certain furniture companies also employ an ingenious trap whereby each item purchased is added into the overall account, and the buyer is not deemed to have title to any item until all the others are completely paid for. This is not merely a matter of bookkeeping prowess, but has been held to be unconscionable in a Court of Law.[10]

A major problem in putting an end to such deceptive and unfair practices is that the uneducated, low income buyer is not aware that he has any legal rights in this regard. From the first when he is lured into making the purchase, he is not told the actual price or the consequences of not paying. As is so often the case in rural areas where there is no selection of stores nor of goods and merchandise, he has no choice but to sign the contract or to do without the goods. Thus, MLS has the task not only of bringing law suits when a complaint comes to their attention, but of educating the seasonal farm worker in his buying habits so that he too may play a part in averting such disasters in the future.

The installment plans described above are every day occurances. More rare, but by no means exceptional, are outright cases of fraud and misrepresentation. The lucky salesman, bent on making a huge profit for his company, relies on the ignorance of the purchaser and the fact that until recently no lawyer would discover the practices or defend the buyer's rights in a Court of Law.

One instance MLS investigated, brought to the attention of a private attorney who brought suit, and started an investigation by the State Comptroller, involved a Post Office Savings Account fraud. The owner of a general store in a farming community at one time operated a post office on the premises and encouraged farm workers to start savings accounts. The post office was moved to a different location,

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10. Williams v. Walker - Thomas Furniture Co., 121 U.S. App. D. C. 315, F. 2d 445 (1965).

but the unsuspecting farm workers continued entrusting their money to the store owner. When it was discovered that the owner had pocketed well over $10 thousand dollars of savings, complaints were filed and cases were won.[11]

Another case handled by MLS, now pending final resolution, demonstrates the extent to which slick promoters will go in exploiting minority groups. In this instance, a supposedly ambitious and laudable housing development for Negroes was announced with great public fanfare. The opportunity to own their own homes enticed many citizens of the community to select a model home from the lovely brochures, put up a down payment, and sign a supposed contract. After making several payments to the company, with no construction yet begun, some of the prospective home owners became suspicious and contacted MLS. Thorough investigation revealed that the housing promoters did not even own the land specified as the site where the homes were to be built. Further, there was apparently no intention on the part of the promoters to ever follow through with their part of the deal. When the number of persons deceived by this bogus corporation became known, the Assistant States Attorney swore out a Warrant in Grand Larceny for the arrest of the lead promoter.

Since that time, the promoter has pleaded guilty to the criminal charge, and MLS has been successful in restraining the company from continuing business. The Civil suit filed on behalf of all the persons who lost money in the hopes of buying their own home, is now awaiting final hearing and resolution so that they may recoup their losses.

This situation illustrates many of the problems involved in uncovering similar deceptive practices. An appeal specifically aimed at a low income minority group that they too may aspire to own their own nice home will gather a tremendous response. These people want to believe that their dreams can come true, and their desire for betterment can be fulfilled. Their great expectations blind them to all the cautions that the typical middle and upper class buyers would take. Blind faith guides them rather than an inquisitive, skeptical attitude. Even when a few courageous people are willing to admit that it may not have been such a good deal, others similarly situated are most reluctant to come forward and admit they were taken in. They are proud and their hopes will not be crushed that easily, even though they may have lost their entire savings in the process. There is no consolation in the fact that others too were deceived, but there is strength in numbers and the desire to recoup their loss will win out in the end. Hopefully, the publicity generated by this case will instill a more callous attitude on the part of prospective buyers, and defeat any similar schemes before reaching these proportions.

With legitimate businesses, the furniture stores and the used car dealers, violations of the law are sometimes so flagrant that once a person realizes he has been taken in and gets a lawyer, any attempt to get more money out of the unsuspecting buyer is immediately dropped. While the result is equitable for that individual buyer, the deceptive practices often continue. The seller is willing to exploit anyone who is inexperienced enough to sign a one-sided bargain. MLS is presently studying means of dealing with these problems. The lack of cohesive neighborhoods in many places and the migratory way of life make it difficult to use some of the community pressure methods that have had some success in urban areas. However, every effort will be made to find solutions to this difficult problem area.

WELFARE

RIGHTS AND PROBLEMS AFFECTING SEASONAL FARM WORKERS

Americans have a curiously ambivalent attitude toward persons in need of relief. On the one hand, they spend billions annually to support programs of public assistance to help those who are less fortunate in their economic circumstances. At the same time, and this is especially true in general assistance, they seem reluctant to recognize that public aid is something to which persons in need are entitled.

The welfare system, being fraught with inherent weaknesses of its own, does not provide any panacea for the indigent migrant worker or his family. Migrant workers have been largely excluded from any benefits available because of the state's rigid residency requirements.[1] The current interpretation of these requirements effectively denies assistance from any state wherein the migrant might spend a part of his year. Most migrants are also inadvertently excluded from receiving any Social Security benefits, despite the number of years they may have worked, because of the failure of crewleaders or farm supervisors to record the social security numbers of deduct the necessary payments.[2]

In addition to these two major obstacles, there are numerous significant factors limiting the migrants' participation in any welfare programs. Most of the problems confronting those in need of assistance can be summed up by sheer lack of information. For example, most migrant families have no idea what programs are in effect in Florida, or what benefits they may be eligible for. Further, they wouldn't know where to go (much less have means of getting there) to apply, nor how to apply for various programs they may be eligible for. If then denied because of some omission or misinterpretation on the application, they have no knowledge or power to challenge this denial. The maze of administrative technicalities to be followed for each program often requires a legal expert in that particular field. Or, if they do qualify, they have no information concerning what rights and obligations may attach to the receipt of public assistance.

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1. These provisions are discussed infra at p.67.
2. The practice of employing the workers for only 19 days by each crewleader or superviser so that social security deductions need not be made has been brought to the attention of MLS attorneys. See discussion in Employment Problems Section, p.19.

However, in the last two years tremendous changes have occurred in welfare law. Welfare rights groups are springing up in virtually every large city in the country,[3] and they have at their disposal for the first time ever, competent legal counsel through the various OEO-funded legal services programs. The most glaring abuses in the welfare system are being challenged almost daily in the courts (in particular the Federal Courts) as well as by direct action and political persuasion.

It has already occurred to anyone who has attempted to digest the great mass of welfare requirements, regulations, policy statements, and directives, that the right to receive welfare benefits should be based solely upon need. This realization is now getting support from such sources as the U.S. Department of Health, Education and Welfare[4], based on experiments with a"'need'only eligibility factor" in three states.[5] At the present time state case workers are required to perform a variety of bookkeeping and administrative chores which drastically reduces the time that should be spent on actual social service.[6] Despite the fears of many state officials with an eye on limited welfare budgets, the experiments have demonstrated that discontinuance of lengthy investigations to determine eligibility, or spot checking a small percentage of the applications, has not increased the rate of ineligible people receiving welfare.[7]

Many public officials have long argued for reform of the welfare bureaucracy. Most recently Senator Jacob Javits (R - NY) and Governor Nelson Rockefeller of New York have proposed sweeping reforms in the administration of welfare benefits.[8] While proposals for reform run the gamut from suggesting a strict clampdown or curtailment of all welfare programs to suggesting a federal takeover of all welfare payments, all the proposals have one common goal: to eliminate the red tape and enormous disparities that exists in the various state welfare programs.

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[3] A welfare rights organization has recently been formed in Fort Myers, meeting once a week with an MLS attorney to discuss common problems and to plan future strategy and litigation.

[4] HEW published the proposed new regulation *that people be made eligible for welfare on the basis of a simple statement of need* in the Federal Register on Nov. 20, 1968.

[5] A total of 25 states now have some form of a simple declaration of need or are in some stage of putting it into effect. Ft. Myers News-Press, Nov. 20, 1968, p. 10-A.

[6] In New York, it is estimated that handling of forms and procedures have taken up more than half the caseworkers' time. N.Y. Times, Dec. 8, 1968, p. 38.

[7] See N.Y. Times, Dec. 8, 1968, p. 38 based on study by N.Y. Commissioner of Social Services, Jack R. Goldberg. Other states experimenting with this approach have found that only 1 1/2% of those who get on the welfare rolls are ineligible. See Ft. Myers News-Press, Nov. 20, 1968, p. 10-A.

[8] Javits - Miami Herald, Nov. 5, 1968, P. 3-B; Rockefeller at the Republican Governor's Conference - See Miami Herald, Dec. 6, 1968, p. 1.

FLORIDA

Florida administers four federally assisted public assistance programs: Aid to Families with Dependent Children (AFDC); Aid to the Disabled (AD); Old Age Assistance (OAA); and Aid to the Blind (AB). Each county also has its own program of public assistance for those who are not covered by the state administered program. These programs, administered and financed by each individual county, will be discussed infra, p.77 , In addition, persons residing in Florida whose employers have participated in the Social Security program, may receive Social Security benefits when eligible.

AID TO FAMILIES WITH DEPENDENT CHILDREN

AFDC accounts for the largest category of public assistance in the state of Florida. The number of recipients state wide in October, 1968 was 42,739.[9] The state has budgeted $42.7 million (of which $9.5 million represents state money) for fiscal year 1968 for the AFDC program.[10] Despite the fact that Florida forfeited $19.5 million federal AFDC funds in 1967[11], the Florida State Welfare Board recently announced a deduction in payments to 57% of need for AFDC recipients from January through June of 1969.[12]

The present level of payment is only 65% of need[13], which should again be contrasted with the amount of federal funds available to Florida that are never used. The present cost to the state is approximately one dollar for every 4.5 dollars received from federal funds for AFDC benefits. Florida is typical of many states, especially those in the southern region, about whom it was said, "charity does not always begin at home, as attested by the failure of a third of the states to spend a dollar in local funds for the poor to get two or more federal dollars."[14]

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[9] The Miami Herald, Nov. 12, 1968.

[10] Ibid.

[11] N.Y. Times, July 20, 1968.

[12] Fort Myers News-Press, Nov. 15, 1968, p. 1.

[13] Ibid.

[14] N.Y. Times, July 20, 1968; See also N.Y. Times, Nov. 14, 1968, Report of The Citizens Budget Commission showing that Florida is one of the ten lowest payers of benefits and that the State only foots 19% of the bill.

The primary problem is clearly budgetary. The average payment per person on AFDC in Lee County is only $20.93[15]. Collier County AFDC recipients averaged $22.93 per person, and Hendry County averaged $21.87 per AFDC recipient.[16] Obviously these amounts are hardly adequate to sustain a family that is dependent upon public assistance as the only source of income. The State Welfare Board plans to ask the legislature for a 50% increase in welfare funds for the coming biennium, but the outlook is dim. The state welfare director certifies that appropriations have never been anywhere close to the Department's request.[17]

The amount of payments, and the proposed further reduction to 57% of need, pose serious problems for AFDC recipients in Florida, and will be challenged by MLS attorneys for their clients. However, the initial problem of qualifying for whatever benefits are available poses an even greater problem for migrant farm workers. Most specifically, the state's residency requirement acts to bar any otherwise eligible recipient from receipt of these funds since the migrant usually resides in Florida only six to eight months a year.

Florida prescribes that a child must have resided in the state for one year immediately preceeding application, or that the parent or other relative with whom the child is living must have resided in the state for one year immediately preceeding application to meet the residence requirement.[18] The immediate question that comes to mind when considering children whose parents travel in the migrant stream is why should these children, who can demonstrate need, be deprived of the assistance that has been enacted for their benefit? It is worth while to contrast the federal interpretation regarding determining residence with that set forth by the state.

The HEW interpretation is as follows:[19]

> "the state is not free to find such individual ineligible if he meets the following requirements:
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> 1. He is determined by the agency to be a resident of the state at the time of application.

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[15] Fort Myers News-Press, Aug. 7, 1968, p. 10-B.

[16] Ibid.

[17] Emmet S. Roberts, State Welfare Director as quoted in Fort Myers News-Press, Nov. 15, 1968, p. 1.

[18] State of Florida, Department of Public Welfare, Public Assistance Manual, Chapt. 500, p. 2. (May 1966 - OL #1421).

[19] Handbook of Public Assistance Administration, U.S. Dept. of HEW, Part IV, sections 3652, 3654. (5/1/46).

> 2. He has been physically present in the state for the required period of time; or if his physical presence has been interrupted by an absence or absences, such absence(s) has been temporary within the above deminition; or his true intent to live in the state can be otherwise determined in terms of his conduct, action, or relationships.
>
> A child does not have intent to establish a residence or to acquire one elsewhere in the same manner as does an adult. Since planning for the living arrangements of children is done for them and not by them, a child may be considered to be temporarily absent from the state when his absence occurs as part of a plan which is being made for him by the persons responsible for his care, custody, or control, and when this plan does not involve the establishment of an abode for him outside of the state on a permanent basis."

Thus, the federal interpretation seems to encompass children of migratory parents since his parents never establish *an abode for him outside the state on a permanent basis.* Because of the length of the season in Florida, virtually all seasonal farm workers reside in Florida the greater part of any one year, and if any residence is to be considered "on a permanent basis" it would be this residence in the state of Florida.

On the other hand, Florida construes this provision as follows:[20]

> "When a child has lived in Florida *continuously for one year* and has thus established residence in the state the fact that he has been absent from Florida for a part of the year immediately preceeding the application or at the time of application would not render the child ineligible for assistance. Continuous absence for a year or more would make the child ineligible except in those cases where such absence is due to factors beyond the control of the adult primarily responsible for the care of the child, such as illness, incarceration, military service, etc."

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[20] Fla. Public Assistance Manual, op. cit., Chapt. 500, p.3.

Thus, Florida requires continuous residence for one year, and any reference to *temporary absence* is meaningless under this interpretation. It should be further noted that HEW recommended as early as 1946 that states eliminate all requirements that relate to length of residence in the state.[21] Since a decision is expected momentarily from the Supreme Court regarding the constitutionality of any residency requirement for determining eligibility for public assistance, Florida may soon have to dispense with its rigid interpretation and allow children of migratory parents to receive AFDC benefits.

Even if the present residence requirement is met by an applicant, there exist numerous other eligibility requirements completely unrelated to the financial needs of the child. Specifically, a child to be eligible for AFDC must be: (1) deprived of parental support and care; (2) living in the home of a "specified relative"; (3) living in a "suitable home." Each of these state-imposed factors is highly questionable in view of the avowed purpose of Aid to Dependent Children, which is:

> "Aid to Dependent Children is an essential part of a broad social plan of public services, including education, health, welfare, and the social insurances, that the Nation is progressively developing to assure its children opportunity to:
>
> 1. Grow up in a setting of their own family relationships;
> 2. Have the economic support and services they need for health and development;
> 3. Receive an education that will help them to realize their capacity; and
> 4. Share in the life of neighborhood and community."[22]

For example, Florida requires that a child be living in the home of one of six specified relatives in order to qualify for AFDC benefits. These arbitrary classifications include only blood relatives, step-parents or adopted parents. It rules out any benefits for children who may be living in the only home available to them, if the relationship does not fall squarely within these specifications. A case awaiting hearing

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21. HEW Handbook of Public Assistance Administration, Supra note 16, Part IV, §3665.
22. Ibid., §3401.

brought by MLS attorneys involves just such an instance, where the relatives who are caring for three needy children are first cousins once removed.[23] There are no other living relatives except for an elderly aunt who is unable to provide for the children. Again, this situation points out that financial need should be the only criteria in determination of eligibility for public assistance.

Since the residency requirement alone effectively excludes the great majority of MLS clients from receiving AFDC benefits, many of the further obstacles are not often encountered.

AID TO THE DISABLED

In order to qualify for Aid to the Disabled, Florida requires the most stringent residence requirement possible under the enabling act: "residence in Florida for five out of the last nine years, including the year immediately preceeding the application."[24] While the state provides for fulfillment of this requirement "by physical presence in Florida for certain blocks of time, the total of which must add up to the required number of years"[25], "the client whose residence is based on physical presence in the state for certain blocks of time must have resided in Florida for forty-eight months in the last nine years plus the entire twelve months' period immediately preceeding application."[26]

This requirement thus effectively excludes any disabled farm worker who has traveled the migrant stream during the five years preceeding application for benefits. For seasonal farm workers who have made Florida their home, meeting the residence requirement is only the first of a series of difficult hurdles.

The most difficult obstacle for the applicant to overcome is the state's interpretation of the requirement for *permanent and total disability*. A permanent impairment is defined as:

> "A physical or mental condition (disease or loss) of major significance which is *expected* to continue throughout the lifetime of the individual and is *not expected to be removed or substantially improved* by medical treatment. It

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[23] Cobb v. Fla. Dept. of Public Welfare, Case No. 68-13 Civ. Ft. M. (M.D. Fla.).

[24] Florida Public Assistance Manual, *Supra*, Chapter 300, p.2.

[25] Ibid. at 3.

[26] Ibid.

> is expected to continue for *a prolonged period* of disability and the eventual prognosis may be indefinite. A physican is responsible for providing the information bearing on this part of the eligibility factor."[27]

The issue in permanency is not so much the life expectancy of the disability as it is *who determines what*. An applicant for this category of assistance undergoes a medical examination by a private physician, who records his findings on a form provided by the Welfare Department. These findings are then reviewed by a state Medical Review Team. Despite these medical prognoses, the final determination concerning the permanency of the disability is made by the State Welfare Board which is composed entirely of laymen.[28]

The requirement for *totality* is not entirely divorced from *permanency*, although a welfare worker is responsible for gathering the social information on which the decision regarding totality is based. A total disability is said to exist:

> "When the permanent impairment or combination of permanent impairments substantially precludes the individual from engaging in a useful occupation. This includes gainful employment *for which he has competence*, and homemaking, when the individual is maintaining a home for at least one person in addition to himself."[29]

While this brief definition limits gainful employment to that for which the applicant has competence, it does not take into consideration the only kind of employment the applicant may have ever performed, and the fact that he may be totally unable to perform that particular work, Likewise, when a welfare worker reports on the kinds of work which are usually carried on in the community where this applicant resides, no consideration is given to whether jobs of this type are available nor to whether this particular applicant could be hired for this type of job.

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27. Ibid. at 7.
28. For a graphic illustration of the circuitous route followed by welfare applicants in a determination of their eligibility for benefits in the State of Florida, see the attached chart of the welfare hierarchy.
29. Florida Public Assistance Manual, Chapter 300, p. 8.

In the case of an applicant who has labored in the fields all his life, and knows no other occupation, these considerations are of utmost importance. A physical impairment that may have no undue effect on an office worker may completely prevent a man or woman from performing the strenuous, tiring manual labor required for harvesting crops. For example, if an accountant has diabetes, he can still function sitting at his desk with the proper medication; whereas if a field worker has diabetes, it is impossible for him to continue to work long hours in the hot sun without frequent nourishment regardless of the most advanced medical treatment.[30]

MLS contends that the requirement for permanent and total disability must be based on the effect this disability has on the particular working experience and capacity of the individual applicant. This can only be determined by the observations of a competent doctor who has personally examined the applicant, in conjunction with testimony regarding the nature of the type of work the individual applicant has been performing, and the effect a disability of this type would have on a worker in that occupation.

OLD AGE ASSISTANCE

A person who is receiving benefits under the Aid to Disabled category will be transferred to Aid to the Aged when he reaches 65 years of age. In addition, persons who are not technically blind or disabled may qualify for Old Age Assistance upon reaching 65 years of age, if need for such benefits is demonstrated. This is based on the theory that advanced age tends to reduce earning power, requires the purchase of services ordinarily self-performed, and foremost, is a threat to the independence and self-esteem of the individual. The avowed purpose of Aid to the Aged, Blind, or Disabled is:

> "To live free from the fear of want; to have his dignity preserved and his personal worth recognized; to be able to make use of his remaining faculties in achieving a satisfying way of life, is the right of every individual handicapped by age, infirmity or disability."[31]

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[30] Such a case is currently being litigated on behalf of an MLS client. *Johnson v. Dept. of Public Welfare of the State of Florida,* Case No. 68-12-Civ. F.M., U.S.D.C. (M.D. Fla.).

[31] Florida Public Assistance Manual, foreword to chapt. 300.

The purpose is well stated: the aim is lofty, and the right well deserved. However, in many cases, proof of age is extremely difficult to establish. In addition, the residence requirement for Old Age Assistance is the same as that required for Aid to the Disabled; five out of the last nine years residence in the State of Florida, including the year immediately preceding the application.

Regardless of the occupation of the applicant, many older persons cannot state their exact age with accuracy and do not have the usual methods of proof our society recognizes. These include a birth certificate or birth record, baptismal record, insurance statistics, military data, marriage license, census report, employment, medical or social security records. It is extremely rare to find a seasonal farm worker having any one of these *acceptable* proofs of age. The absence of such records stems from the fact that they have been quite literally absent from society during their entire lives.

The federalized American institutions which so fully document the lives of its middle and upper class citizens do not reach down into the poverty level citizens, and certainly did not do so in the distant past of 65 years or more ago. This is especially true in the case of the seasonal farm worker, who was probably born in a state other than the one of his present residence, who was originally given a name different from the one he now knows and uses, who has no employment records other than memory, who was married without a license, and who certainly has no medical or insurance records. Long searches through the Bureau of Census records are usually to no avail, since even if the fact of his life was ever noted, it may have been under a different name of which the applicant is not aware.

This is a problem which poses no easy solution, for the only way to ascertain the age of many of the rural elderly poor is by estimation or the applicant's own memory. Neither of these methods has proved *acceptable* to the Florida Department of Welfare.

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The problems enumerated in the above synopses of the state administered federal assistance programs are representative of those that every welfare applicant or recipient must face. There are certain inadequacies and inequities that pervade every category of public assistance. These arise in the enforcement of the basic rights guaranteed by federal and state law for applicants or recipients of aid. Each person has the right to be paid the right amount of aid when the conditions of eligibility are present and the right to be treated with the respect due to all people. In protecting these basic rights, federal and state law has created certain additional rights for the welfare applicant and recipient, which should be considered absolute. Among these rights are:

1. The right to *apply* and have eligibility determined;
2. The right to *prompt action*;
3. The right to *equal treatment*;
4. The right to receive *notice of disposition*;
5. The right to *unrestricted payment*;
6. The right to *prompt change in grant*;
7. The right to be advised of *reasons for changes* in grant;
8. The right to a *hearing*;
9. The right to *fair treatment free from discrimination* based on race;
10. The right to *constitutional protections*;
11. The right to be *told* by the Welfare Department *of all their rights*.

While these rights should be considered absolute, their enforcement and protection is sporadic at best. Most of the case workers at the local level are genuinely concerned about individual families, but have little time and are much restricted by a maze of regulations. With an immense caseload per worker[32], it is impossible for the worker to give the families any attention except review their situation every six months for re-certification. This means that individuals whose applications are denied are often never informed in terms they can understand why the application was denied, what recourse they may have or what alternatives may be available to them. They seldom have any information about other forms of relief available from the county, civic, or charitable groups. MLS has instigated a cooperative working arrangement with local welfare officials in all of the six counties in which it operates for a mutual referral of clients, as well as informing the welfare applicant that legal counsel is available to him.

This does not solve the inequities inherent in the laws, which to date effectively deny a hearing to a client *prior* to a

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[32] MLS has learned that each caseworker in this area may be required to handle over 100 active cases.

TIME FACTOR IN RECEIPT OF WELFARE PAYMENTS

After application has been made, an investigation
to determine eligibility must be completed within 30 days
However, extensions may be given, and specific
provision is made for a home visit to be made
within 90 days of application.

Florida State Public Assistance Manual, page 3.

"Actions on applications should be planned so
eligible applicants will receive their first
checks within 30 days after the date of application
and ineligible applicants will receive notice
within the same period." 30 days

Florida State Public Assistance Manual, page 4.

Following the decision of the District Welfare
Board, an applicant may request a hearing, which
request must be filed within 60 days following the
District Board action. 60 days

Florida State Public Assistance Manual, page 11.

A hearing will be held not later than 30 days 30 days
from the date of filing the appeal.

Florida State Public Assistance Manual, page 12.

The Board's final decision will be made within 60 days
but several possibilities exist for extensions
of this time limit.

Florida State Public Assistance Manual, pages 12-13.

Thus, if an applicant is initially denied benefits by the District Welfare Board, and even if only one appeal is involved, the time lag between application and receipt of the first check (without any extensions being given) would be 210 days - or almost seven months permitted by statute.

reduction or cutoff of welfare benefits, and effectively preclude *prompt action on any matter concerning receipt of welfare payments.* See attached chart.

Because Florida limits its state welfare to the federally funded categorical assistance program mentioned above, the individual counties must bear a large portion of the burden of public welfare. Article XIII, Section 3 of the 1885 Constitution of Florida vested responsibility to provide for the needy in the counties. Presumably, this responsibility remains under the new Constitution that went into effect January 7, 1969.[33] With the exception of placing responsibility to care for the needy on the county commissioners, there is no general law concerning county welfare benefits at all in Florida.[34] Thus, there exists great diversity of practice among the state's 67 counties and a wide variation and lack of uniformity both in benefits and record keeping.

The urban counties of Broward, Dade, and Palm Beach all have formal welfare structures, well-developed welfare departments, acting under published regulations and guidelines.[35]

The Dade County Department of Welfare is concerned primarily with the provision of general assistance and with certain specialized programs, including burial of indigents, surplus commodities distribution, casework services to indigent families, and the Neighborhood Youth Core centers operated throughout the metropolitan area in cooperation with OEO.[36] The Welfare Department of Palm Beach County is directly responsible to the Board of County Commissioners for welfare services in West Palm Beach, Delray Beach, Jupiter, and Riviera Beach. In addition to the distribution of commodity foods, the main activities of this county's welfare department are centered around medical services in three special tax district hospitals and a county nursing home.

Welfare organization in Broward County is less complex than the structural patterns described above. The Broward County Welfare Department operates general assistance offices and serves clients in Fort Lauderdale, Pompano Beach, and Hollywood.

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33. Article X, Section 10 provides that sections of the old Constitution not embraced by the new and not inconsistent therewith shall become statutes.
34. Fla. Stats 125.01(4) gives *permissive* statutory authorization to County Commissioners.
35. See *"County Welfare in Florida,"* a Study of Welfare Services administered at local expense, Institute of Governmental Research, the Florida State University (Tallahassee, Jan. 1968) p. 72-81.
36. Dade County employs 50 caseworkers to perform these duties.

The Department distributes surplus commodites and operates a custodial home for the aged.[37]

The rural counties of Lee and Collier each employ two welfare workers on the county level,[38] while Hendry County has no welfare employees at all. The Board of County Commissioners in these three counties has direct responsibility for general assistance. Usually such assistance is of two kinds: financial aid in the form of "pauper pensions" and grocery orders, and medical aid.[39] The highest monthly maximum for cash payments or grocery orders reported in any county was $15[40], so we are not talking about any large-scale public assistance.

The welfare services available to needy persons in Florida's counties vary from the maximum in number and variety provided by urban Dade to the very minimum services available in the rural counties of Hendry, Lee and Collier. Because these county programs are locally controlled and financed, lack of uniformity in types or services available and the amount of financial assistance provided will remain as the dominant characteristic of county welfare in Florida. MLS is currently gathering data to challenge not only the arbitrariness of the decisions made by some county welfare officers, but also the constitutionality of the wide latitude of discretion given to these county welfare officers.[41]

Public assistance is clearly not the solution to the needs of the rural poor. Attempts must be made instead to get the migrant out of the stream, to give him an education or retrain him, so that he may share in the productive life available to Americans in the main stream of society. Unfortunately, Americans, especially in those communities with large numbers of rural poor, feel that welfare and charity are all that is required of them when forced to admit that poverty exists.

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37. Ibid. at 77.
38. Ibid. at 82. However, it should be pointed out that *welware worker* is not used here as a term of art. In the case of Lee County, the *welfare worker* stands behind a counter to distribute commodity foods to those he deems eligible.
39. Ibid. at 83.
40. Ibid. at 84.
41. The blatant inequalities so obvious in the county welfare system are being challenged in other states as well. See generally "Equal Protection Aspects of Inequalities in Public Education and Public Assistance Programs from Place to Place Within A State," 15 UCLA Law Review 787 (1968).

> "Public assistance is lacking in areas in which it is most desperately needed. It is lacking, in large part, because it is so structured as to be self-restricting, to expend exactly enough to soothe the consciences of those with comfortable standards and no more."[42]

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[42] "Public Assistance: To What End?", Southern Regional Council, Inc. (Atlanta, Ga. Nov. 1967) p. 40.

Senator Mondale. We will stand adjourned until tomorrow morning.

(Whereupon, at 11:10 a.m. the subcommittee adjourned, to reconvene for hearing at 9:30 a.m., the following day, Friday, August 8, 1969.)

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